

From the President



Rick Throop
MSTA President

As the colder weather leaves us and summer begins to rapidly approach, I'm sure we are all looking forward to a busy and profitable season. I hope this winter has treated you well and nobody lets the cold get the best of them. I'm sure we are all ready for some warmer temperatures and some sun, green grass and all the things that come along with a wonderful Michigan summer.

As most of you know we had our spring MSTA meeting which was held at All American Septic and Excavating in Imlay City, owned by Paul and Melissa Lawrence. I would like to first thank the two of them for hosting the meeting and for handling all the arrangements for food and a tour of All American's dumping and storage facility. The meeting had 55 attendees with presentations from our own MSTA Director Casey Fiedler and Andy Roosa and Meghan Teller from a local Edward Jones investment office. All of our presenters did an amazing job, and I would like to express a sincere thank you to them for making the time to speak to our members. Also in attendance was Judy Augenstein. As most of you know Judy has been MSTA's lobbyist in Lansing for a number of years and has done an amazing job. She is now retiring and will be sorely missed by all. Judy was presented with a parting gift and was able to talk for a second before she started crying while telling stories about all the wonderful times she has had with all of our directors over the years. I would like to give a sincere thank you to Judy for all the wonderful times we have had with her. She will be greatly missed.

The fall meeting is currently scheduled for October 14 and will again be held in Traverse City at National Vacuum Equipment (NVE). NVE always does a wonderful job with our meeting by providing us with a wonderful facility to have it at. As always, we are looking for ideas for presentations and presenters for educational credits. Any suggestions that you can provide would be appreciated.

MSTA will also be having its Annual Conference again at Soaring Eagle Resort. The dates for that will be Monday, February 12 starting at noon through Wednesday, February 14 ending at noon. It will be

held in the exhibition hall next year because we ran out of room in the ballroom that we were in for the past 2 years. We will again have a Meet and Greet Reception on Monday night and our Annual Banquet on Tuesday night which is always a lot of fun. Vendor and Sponsor registration is available now and attendee registration will be available soon. The signup for this will be online on our website at www.msta.biz. We have a lot more space in the Exhibition Hall so we are looking for more vendors. If you have suggestions for vendors, please get those to us - any help is greatly appreciated.

Lastly, I would like to wish everyone a wonderful and prosperous summer and hope that everything goes well. I look forward to seeing you all at our Fall Meeting in October or at our Annual Conference in February. I would also like to thank our entire MSTA Board for all the hard work and effort they put in for the meetings and for the conference to take place. Without them, our success would not be what it is.

Thank You,
Rick Throop
MSTA President





2023 MSTA Fall Meeting
Registration coming in late summer
Saturday, October 14
National Vacuum Equipment
Headquarters – Traverse City

2024 MSTA Annual Conference
Registration coming in the Fall
Monday, February 12 - Wednesday
February 14
Soaring Eagle Resort, Mt. Pleasant

2024 MSTA Spring Meeting
Saturday, April 13, 2024
Michigan Septic
Mason, MI

2024 MSTA Fall Meeting
Date and Location to be determined

How To Find Your State Representative And State Senator

Michigan voters approved a constitutional amendment in 2018 that created a Michigan Independent Citizens Redistricting Commission (MICRC) and vested it with the authority to adopt new district boundaries based on census data for the Michigan Senate, Michigan House of Representatives, and U.S. House of Representatives every 10 years beginning in 2021. Using the 2020 Federal Census data, the MICRC redrafted the boundaries of Michigan's state house and senate districts. As a result, there have been significant changes in the district number you live in and who is your state representative and senator following the November 2022 election.

The Michigan House of Representatives and Michigan Senate websites have search engines where you can input your street address, city and zip code to find your state elected official.

To Find Your State Representative Go To:

<https://www.house.mi.gov/#findarepresentative>

To Find Your State Senator Go To:

<https://senate.michigan.gov/FindYourSenator>

Maps of all Michigan House and Senate Districts can be found the MICRC website:

<https://www.michigan.gov/micrc>

Considerations for Running Water During Septic Tank Testing

By: Casey Fiedler

Many pumpers perform some type of basic function test during routine pumpings of septic tanks. I've seen some professionals request the homeowner flush a toilet while the pumper observes the inlet to make sure flow is noted. Others I've heard say things like, "run all the sinks in the house for 15 minutes" as a test of system function. I'm sure all of us have encountered or performed some variation of these types of basic testing on septic tanks.

I may give this more thought than some, but what follows are a few considerations and thoughts on this particular subject. Hopefully some of these are new, interesting, or helpful to everyone!

Function Testing

Function testing refers to a process by which water is introduced into a normally operational septic tank. Lids are removed and the professional observes the movement of water. Does the water enter the tank normally? Does the water leave the outlet without raising the tank level? Simple observations can give away many clues about interrelated system components during this very simple test.

Of course, if you plan to gain any insight into downstream components (soil treatment area in most cases) you'd want to perform this test prior to pumping the tank.

Function testing is very rudimentary but it could tell us if a component is not connected to the system. For example, we run 50 gallons of water through the downstairs utility sink and no water is observed entering the tank. This tells us quite clearly that there is an issue between the tank and source. Or, we add water and the operating level of the tank rises halfway up the outlet pipe. That tells us pretty clearly there is something going on with the tank outlet or a connected component.

Note that the possible information you could glean from this type of testing may be broader than the above examples but that's for another article.

But is adding water really as simple as all that?

How Much Water Should We Run?

For a simple function test, all we need to ascertain is basic water movement in the system. If the water level is at the outlet invert when we start this test, it won't take much additional water to know if there's an observable issue.

For every 0.62 gallons of water added per square foot, water level will increase 1" vertically. So, let's say we have a 5'x8' septic tank (interior) and we want to run this test. That's 40 square feet multiplied by 0.62 gallons which gives us 24.8 gallons of water.

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Assuming there is no outlet at all, 24.8 gallons of water will raise the level in this tank by 1”.

Assuming the outlet in this tank and all downstream components are functioning properly, however, we should observe no discernable movement of the water level above the outlet invert.

If you don't think 1” of water rise is enough to be able to see for sure, then you can safely increase this up to ~100 gallons. That would give you a possible rise of 4” in a system with severe outlet issues. Since most outlet pipes are 4” anyways, this should be extremely obvious to anyone if there is indeed some major issue preventing effluent from properly decanting out of the tank.

Most reputable sources will tell us that a volume at or very near 100 gallons or less is plenty for a function test.

How Much is Too Much Water?

Somehow function testing a septic tank has gotten wildly misconstrued by some professionals. A bastardized hybrid of function testing and hydraulic load testing (HLT) has unfortunately gotten out to tertiary professionals like home inspectors and others who seem to be under the impression that just dumping an unknown quantity of water into the system for “a while” is a good test of system function.

It is not - and it can be dangerous to the system to take this approach. Caution is prudent when adding volume greater than

about 100 gallons at a time to a common modern septic system.

Here's a few reasons why...

Note: Adding water at volumes above this basic threshold strays quickly into the realm of a hydraulic load test. HLTs have their own set of indications and contraindications as well as a very particular protocol to ensure that the issues we're about to deal with are avoided. If you're interested to learn more about HLTs just let me know and we'll cover it in another article. Care should be taken to only use each test in a proper situation.

One major issue arises with the acute introduction of large volumes of water into a system that has to do with detention time. If you don't recall, detention time refers to the amount of time a gallon of water has to sit in a septic tank before another gallon of incoming water fully displaces it. This is a primary factor in septic tank sizing during the design phase.

Most jurisdictions will require septic tanks to be sized to 2x or 3x the daily design flow or more. That means in a 4 bedroom house, with 150 gal/day/bed, this design flow would be 600 gallons/day.

We know that in order for septic tank contents to properly stratify into the three component layers (sludge, “clear”, and scum or FOG) the contents of the tank need 24-72 hours to settle out. So, if your jurisdiction requires 48 hours of detention on 600 GPD then you'd need a minimum of 1,200 gallons of tank volume to meet that requirement. If 72 hours of detention time is desired, you'd want an 1,800 gallon

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tank. Simply put, more detention time means better separation of liquid layers in the tank. Here's the problem I've personally run into (and you may have too) with other professionals who say things like, "Oh, I run all the faucets in the house while I go around and do the rest of my inspection/work."

So what's the issue?

While exact numbers can vary dramatically, a household flow rate can usually be ballparked from 10-14 gallons per minute in a lot of normal household situations. A single tap may be 1-2 gallons per minute - but open up multiple faucets, a bathtub, etc. and we may get near or at those higher numbers like 12 gpm.

Now let's say we let that run while we go get hoses off the truck, or get out cameras for inspection, or maybe we're a home inspector letting those taps run while we finish other parts of our inspection or services around the home.

In 20 minutes this imaginary system has taken in 240 gallons. 40 minutes... 480 gallons. And if for some reason that system was run that way for an hour, we're looking at 720 gallons of water.

Now, consider this same scenario on a 2 bedroom house, 1,000 gallon tank, and a daily flow of 300 gallons.

It would only take 25 minutes to introduce the entire design flow of this system. What if the family already used 150 gallons of water that day prior to this test? Now it would only take 12.5 minutes of this "test" to max out this system's design flow.

Consequences get worse quickly when we consider many older farmhouse systems around the state. Small tanks like 500 gallon or 700 gallon aren't unheard of. It takes only 41 minutes to displace the entire tank contents of that 500 gallon system in this situation - not even considering what volume of water may have been introduced to the system in the 24 hours prior. Remember, tanks are meant to have a detention time of at least 24 hours and up to 72 hours... This example demonstrates a detention time of just 41 minutes!

Among other issues, churn in the tank may not allow contents to stratify in a situation like this. This means a huge spike in effluent strength leaving the tank (bad for the final treatment area).

Further, concern could rise about damage to the final treatment area. Depending on how the soil treatment component was designed and sized, it could possibly be damaged by a careless test such as this which has the potential to massively exceed the peak or design flow of a system.

Even if no inadvertent damage arises, an inspector or other professional interacting with the system could come to the wrong conclusion. We might get artificially induced runback, or we might find that the final treatment area appears saturated during inspection - a condition which may have been caused by a careless test and which could lead to an inaccurate conclusion even if no other harm results.

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So What Gives?

As long as we stick to basic function testing where water flows are around 100 gallons or less, there's rarely much to worry about. As demonstrated earlier, this volume of water should be enough to visually achieve what a basic function test is designed to do.

Don't lose sleep over the number, or worry too much about getting yourself into a sticky situation. Just stay with the basic function test and remember that higher flows of water should only be used in very specific situations under specific protocol.

Hopefully, these made up numbers and scenarios got your idea juices flowing. It's always fun to dig into testing, design, and other details about septic systems. Fortunately, most of our average days in the field rarely call for getting so wrapped up in the details.

If you do run into other professionals carelessly misusing these types of tests... Well, I'll let you decide how you want to handle that conversation. :)

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Sloan's Septic Tank Service



Sloan's Septic Tank Service (l to r): Chris, Francis, Weston, Zach, Justin and Grayson Sloan

If you have a family-owned business that has been passed down through the generations, please submit your pictures and information about the picture to executiveofficer@msta.biz.

We will be printing these in the Fall Newsletter.

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Is It Time to Sell My Business?

After working with a variety of MSTA member business owners for many years, this is a question every owner at some point asks him/herself. The answer to this all-important question is not strictly a business question, it is however, a question that should start with “will life be better for me if I sell my business now?”

Because business owners are dealing with money issues everyday their thinking always defaults to financial benefits first; instead, what should come first are the personal overall benefits to lifting the burden of being responsible for a business after years of hard work. In short, will the precious time of life and what you enjoy from the people around you be decidedly improved without the responsibility of overseeing the business you have built.

In brief, these are the most important first questions that need to be answered. Objective advisers or an investment banker firm, such as Golden Circle Advisors (GCA), can help you address the process of discovering the value of selling your business. These life/professional questions can be addressed more easily once a valuation specialist delivers the next important information as part of this process, “What is my business worth and what is the likely selling price?”

GCA, with information from your accountant and you, can provide the keys to your decision about the best timing for the sale of your business. GCA has had vast experience in not just selling businesses, but ensuring the seller is very pleased with the outcome as a tool to reach the retirement lifestyle the seller wants.

For additional information, feel free to contact Fred Manuel (Detroit office) at (734) 320-6667 or fred@teamgca.com or Curtis Kuttner (Traverse City office) at (231) 922-9380 or curtis@teamgca.com.



IMPORTANT NOTICE

MEMBERSHIP DUES RENEWAL INFORMATION

Membership Renewals will be EMAILED this year instead of mailed to your address. If you don't have an email on file, then they will be mailed instead (only a handful of people don't have an email address on file). Also new this year is the ability to pay your membership dues by credit card. Invoices will be emailed in Mid-July and are due by September 1st. Be sure to check your email for these starting in July. If you have any questions, contact Karlyn Wickham at executiveofficer@msta.biz.



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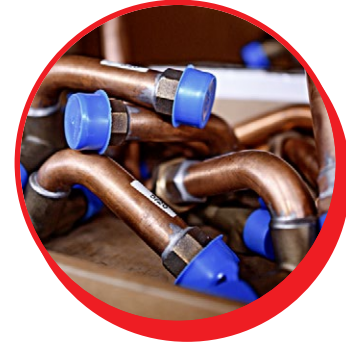
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SepticSmart Materials are available to download and print for FREE

There are challenges across the country due to improperly maintained or failing septic systems for many homeowners, local environmental groups, county health departments and local governments. EPA's SepticSmart program aims to provide materials and resources to increase homeowner education on septic systems and promote awareness in caring for them.

SepticSmart education materials are targeted to homeowners but for use by anyone! These online resources may be downloaded, printed and shared as needed. Many of the materials are available in both English and Spanish and in some cases may be personalized by a business or local government.

Go to www.epa.gov/septic for more information about SepticSmart Week and materials you can use to help educate your customers.



SAVE THE DATE! SepticSmart Week 2023

September 18-22, 2023

Get Ready For SepticSmart Week!

EPA's annual event, centered on encouraging homeowners and communities to care for and maintain their septic systems.

For more information, visit
www.epa.gov/septic



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Michigan Septic Tank Association 2024 Annual Conference

VENDOR AND SPONSOR PACKET

LOCATION

Soaring Eagle Resort, Mt. Pleasant, Michigan

DATE OF CONFERENCE

Monday, February 12 at 1pm - Wednesday, February 14 at Noon

TIMELINE

Exhibit Set Up: Monday, February 12 from 8am - Noon

Show Hours: Monday, February 12 at 1pm – Tuesday, February 13 at 7pm

Exhibit Tear Down: Wednesday, February 14 between 8am – 11am

REGISTRATION

To register, go to www.msta.biz. Payment can be in the form of a check or credit card.

QUESTIONS?

For questions, email Karlyn Wickham at executiveofficer@msta.biz or call 989-808-8648.

HOTEL

Call 877-232-4532. Mention Room Block Code MSTA021224 for a discounted rate.

PRICING

Sponsorships

1. Meet and Greet Reception (Monday Feb. 12 – only 3 spots available).....\$1,500
2. Banquet Reception (Tuesday Feb 13 – only 3 spots available)\$1,500

Exhibit Booth(s)

6' skirted table and 2 chairs within a 10' wide X 8' deep space with electric included.
Cost of booth includes all meals for 1 person and admission to all presentations. The annual auction takes place at the Banquet on Tuesday night. There is a booth discount for those bringing an item for the auction with a value of \$100 or more.

Booth cost w/ auction item.....	\$ 650
Booth cost without auction item.....	\$ 750
Additional person at booth.....	\$ 160

If you would like to be on the Vendor Committee or be a presenter at the conference, email Karlyn Wickham at executiveofficer@msta.biz



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Scholarship Information for Dave Snyder and Mark Scott

As most of you know, we lost two very special people and past MSTA Board Members in late 2021. Since then, we have been working toward honoring them by donating money toward something they both would be proud of. Any money that was given to MSTA in the past, has already been forwarded to the appropriate fund for each of these men. Any future money that people want to donate cannot be sent to MSTA but rather it should go directly to the fund designated for Mark or Dave.

Mark Scott's family already had a scholarship in the family name and the money for that scholarship is given to students in the Roscommon County going into vocational, technical, or trade school programs.

Dave Snyder's fund is called "Seeds of Hope" and it is through the Muskegon Area Intermediate School District and will be used for developing projects for high school junior and seniors that want to pursue a career in skilled trades or outdoor recreation/conservation.

Below is the information for each of these funds and where to send the money. If you have any questions about the funds, please contact the person listed below.

This information can also be found on the MSTA Website at www.msta.biz then going to RESOURCES at the top of the page and scrolling to Scholarships.

Dave's Scholarship

Make checks payable to MAISD and on the check put a note at the bottom (Seeds of Hope – Dave Snyder" and send to:

MAISD
630 Harvey Street
Muskegon, MI 49442

Contact person: Kelsie Farkas kfarkas@muskegonisd.org (231) 767-7211

Mark's Scholarship

Make check payable to Roscommon County Community Foundation and on the check put a note at the bottom:
Scott Family Scholarship Fund

Roscommon county Community Foundation
3975 W. Federal Hwy, Suite 2
PO Box 824
Roscommon, MI 48653

The contact person for this fund is: Suzanne Luck sluck@myrccf.org (989) 275-3112

Legislative Report by Bill Lievens, Capitol Group Consultants LLC



Legislation Introduced To Establish New Statewide Septic Code In Michigan

Legislation has been introduced by Senate and House Democrat members to amend the public health code to establish a statewide septic code (HB 4479/SB279) and create an wastewater technical advisory committee (HB 4480/SB 300). The bills create a new Part 128: Onsite Wastewater Treatment Systems in the public health code. There are two identical bills introduced in each chamber. The bills change the language in the current statute from “septic tank disposal systems” to “onsite wastewater treatment systems.”

MSTA is actively engaged in working on this legislation in order to protect and advance the interests of MSTAs members.

NEW STATEWIDE SEPTIC CODE ESTABLISHED:

HB 4479 (Skaggs) and SB 299 (Singh) provide that a person shall not install, construct, alter or repair an onsite wastewater treatment system without a permit from an authorized local health department or the department (EGLE). Further, a local unit of government shall not issue a building permit for a residence or facility that will be served by an onsite wastewater treatment system unless a construction permit for the onsite wastewater treatment system has been obtained. The construction and installation of an “alternative system” is subject to certain conditions and must be inspected every 5 years. Beginning on January 1, 2026, a person shall not install, construct, alter, or repair a proprietary product unless that product has been registered for use in the state by the department and a \$3,000 fee paid. The department shall develop recommended standards and guidance to assist local health departments in permitting different types of systems in three categories. Inspections of onsite wastewater treatment systems shall occur once every 5 years if a complaint is filed or there is a suspected failure or the department determines there is reasonable cause, a change in use is proposed or the owner applies for a building permit. The inspection must be conducted by the department, local health department or a registered inspector and include specific items. Pump out is required as part of the inspection after the level of effluent is first documented. A report is required to be sent to the owner and department. The department may charge a reasonable fee for an inspection plus a \$25 fee to the state. If the inspection report calls for pumping it should be done by a licensed septage waste hauler. Beginning January 1, 2026 an onsite wastewater treatment inspection shall only be conducted by the department, registered inspector or qualified local health department staff. Inspectors must meet prescribed educational and training requirements. A local unit of government, county, or local health department shall not adopt a point-of-sale ordinance related to onsite wastewater treatment and an existing ordinance must be phased out.

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NEW TECHNICAL ADVISORY COMMITTEE CREATED:

HB 4480 (Rheingans) and SB 300 (Singh) create a technical advisory committee to advise the department and recommend standards with 19 members representing various constituencies. The department is authorized to promulgate administrative rules containing performance-based standards for conventional and alternative wastewater treatment systems. There is also a requirement for septic tanks installed or altered after the effective date of the amendatory act that added this section to contain a septic tank access riser and secondary safety device. An onsite wastewater treatment system administration fund is created within the state treasury with prescribed uses for the money.

Democrat Majority Enacts Several Legislative Priorities

The Democrat controlled House, Senate and Governor's office has moved swiftly in the first several months of the 2023-2024 legislative session to enact several of their priority initiatives. These include:

EXPANSION OF ELLIOTT LARSEN CIVIL RIGHTS ACT TO PROTECT LGBTQ COMMUNITY

Governor Whitmer signed Senate 4 which expands civil rights protections under the Elliott Larsen Civil Rights Act to include sexual orientation and/or gender identity or expression.

REPEAL OF MICHIGAN'S "RIGHT TO WORK" LAW

Democrats enacted HB 4004 which would repeal Michigan's Right To Work law enacted under Governor Rick Snyder. The bills passed along party lines with a 56-53 majority. Both bills also included a \$1million appropriation for the Michigan Department of Labor which makes them "referendum proof". Bills which contain an appropriation cannot be repealed or changed under Michigan's public referendum process using a simple ballot initiative. They can only be repealed or changed by the Legislature or a ballot proposal which amends the Michigan Constitution---which requires more signatures than a simple ballot referendum to change or enact a new law. The Democrat majority also enacted SB 34 which would amend 1939 PA 176, the labor mediation act, to remove provisions added in 2012 commonly known as the "Right to Work" legislation pertaining to private sector employees. Right-to-work laws generally provide that an employee cannot be legally compelled to pay dues to a union in order to be covered under their workplace's collective bargaining agreement. The repeal of "Right To Work" does not apply to public sector employees who cannot be forced to pay union dues or fees under a 2018 U.S. Supreme Court ruling in Janus v. AFSCME.

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RE-ENACTMENT OF “PREVAILING WAGE” LAW

Democrats also passed SB 6 and HB 4007 that create a new act that would require a policy commonly known as “prevailing wage” for state construction projects receiving public funding. The new act would be similar to 1965 PA 166, which was repealed in 2018. State construction project would mean any new construction, alteration, repair, installation, painting, decorating, completion, demolition, conditioning, reconditioning, or improvement of public buildings, schools, works, bridges, highways, or roads authorized by a contracting agent. It would not include projects that are subject to the jurisdiction of the Michigan Civil Service Commission.

INCREASE EARNED INCOME TAX CREDIT/PENSION & RETIREMENT TAX RELIEF

Governor Whitmer signed legislation (HB 4001) that would increase, from 6.0% to 30.0%, the Earned Income Tax Credit (EITC), beginning with the 2023 tax year, and specifies that a taxpayer who claimed the EITC in the 2022 tax year would be eligible for an additional credit equal to 24% of the amount he or she would be allowed to claim as a Federal EITC in the 2022 tax year. HB 4001 would also reduce the state income tax on pension and retirement income pursuant to a prescribed formula (see summary).

BILLS TO REPEAL MICHIGAN ABORTION BAN LAWS

Following the approval by voters of a Constitutional amendment (Proposal 22-3) to protect legal access to abortion in November 2022, all non-confirming Michigan statutes outlawing abortion were effectively invalidated. Legislation (HB 4006 and HB 4032, SB 2) to repeal several of these outdated laws in Michigan’s penal code (including the 1931 abortion ban law) has passed and been signed by the Governor.

GUN SAFETY MEASURES

Safe Storage:

Governor Whitmer has signed into law SB 79 and SB 80 that would require an individual who stored or left a firearm unattended in a place where the individual knew or reasonably should have known that a minor was present to follow specified safe storage requirements. They would prescribe penalties to an individual who failed to follow the safe storage requirements if a minor did obtain the firearm. In addition, they would require a Federally licensed firearm dealer in the State to include literature for free with the sale of a firearm that describes the proposed safe storage requirements, among other information. Also signed into law are SB 81 and SB 82 exempting the sale of firearm safety devices from sales tax and exempt storage, use or consumption of a firearm safety device from use tax.

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License/Universal Background Checks:

[HB 4138 and HB 4139](#) prohibit the purchase of a firearm that is not a pistol without a license and background check and provides for penalties for violations. [HB 4142 and HB 4143](#) update references to pistol in penal code and update sentencing guidelines.

Extreme Risk Protection Orders:

[SB 83](#) provides for the issuance of an Extreme Risk Protection Order (ERPO) by a judge. [HB 4146, HB 4147 and HB 4148](#) prohibit the purchase of a pistol or issuance of a concealed weapons permit by someone under a ERPO and set penalties.

Senate Democrats Introduce “Clean Energy Future Plan”

Senate Democrats have introduced a package of bills (SB 271-SB 277) called the “[Clean Energy Future Plan](#)” in support of Governor Whitmer’s [MI Healthy Climate Plan](#) to reduce greenhouse gases by 52% by 2030 and reach a carbon neutral economy by 2050.. The bills would accelerate the phase out of fossil fuels to produce energy and shift to renewables by phasing out coal-fired power plants by 2030 and creating a 100% renewable energy standard by 2035.

[SB 271](#) would remove biomass, landfill gas and fuel produced from waste-to-energy as renewable sources and add nuclear energy. It provided for a 100% renewable energy portfolio standard by 2035 and adds municipal utilities to the standard. [SB 272](#) allows the MPSC to consider the impact of climate change, equity, reliability, affordability, cumulative health effects and carbon emissions when evaluating utility integrated resource plans. It also directs the commission to consider how the plan makes progress toward the elimination of greenhouse gas emission in the state by 2035, makes progress towards the elimination of adverse effects on human health and reduces harms to the health, safety & welfare of environmental justice communities. [SB 273](#) increases the energy waste reduction standard for gas and electric utilities from 1.5% to 2% beginning in 2026. [SB 274](#) provides for the development of a Michigan construction decarbonization strategic plan for “building decarbonization” which is defined as the reduction or elimination of greenhouse gas emissions from buildings which includes but is not limited to emissions from building mechanical equipment and appliances that rely on the combustion of fossil fuels. The plan shall provide for the methods and strategies to achieve zero greenhouse gas emissions for any building which construction commences after 2026. [SB 275](#) establishes a standard for reducing the carbon intensity of transportation fuels. “Transportation fuel” means fuel, including, but not limited to, electricity, gasoline, diesel, ethanol, biodiesel, renewable diesel, propane, renewable propane, natural gas, renewable natural gas, hydrogen, aviation fuel, and biomethane, that is both of the following:(i) Blended, sold, supplied, offered for sale, or used to propel a motor vehicle.(ii) Compliant with applicable standards, specifications, and testing requirements under this act and rules promulgated under this act. As an overall clean fuels standard, the carbon intensity of all transportation fuel produced or imported for use in this state shall be reduced to at least 25% below the 2019 baseline level, as determined under section 3, by the end of 2035. [SB 276](#) provided for the phase out of coal-fired plants in Michigan by 2030. [SB 277](#) would allow farmers to rent land for solar energy while maintaining farmland preservation standards.

Pro Labor Bill Package Introduced/Business Interests Have Major Concerns With Revised “Independent Contractor” Definition And Employee Wage Transparency Provisions Among Many Concerns

House Democrats have introduced a 16-bill package (HB 4390 to HB 4406) to advance a pro labor agenda under the theme “Wage Theft.” The bills would change the definition of “independent contractor,” protect whistleblowers who report misclassifications, provide additional support for the A.G.’s payroll fraud

(continued from page 23)

division and provide under certain circumstances that employers provide employee wage disclosure (wage transparency) to similarly situated employees and more.

[HB 4390](#) (Rep. Jim Haadsma) Labor: hours and wages; penalties and remedies for misclassification of independent contractors. [HB 4391](#) (Rep. Brenda Carter) Individual income tax: administration; information for taxpayers regarding the classification of an individual as an independent contractor; incorporate in instruction booklet and provide notice to certain taxpayers. [HB 4392](#) (Rep. Angela Witwer) Labor: fair employment practices; whistleblower protection; modify to include employees reporting to the state employee ombudsman or the press. [HB 4393](#) (Rep. Amos O’Neal) Appropriations: supplemental; funding for the purpose of marketing attorney general’s payroll fraud division; provide for. [HB 4394](#) (Rep. Jenn Hill) Labor: hours and wages; identity of employee who files a complaint under [1978 PA 390](#); prohibit department from disclosing to employer if requested by employee. [HB 4395](#) (Rep. Kelly Breen) Labor: hours and wages; employee who files a claim alleging that an employer violated [2018 PA 337](#); prohibit the commissioner from disclosing the employee’s name to the employer under certain circumstances. [HB 4396](#) (Rep. Kimberly Edwards) Labor: fair employment practices; whistleblowers’ protection act; modify definition of employee and protected activities. [HB 4397](#) (Rep. Joey Andrews) Legislature: legislative agencies; ombudsman for public employees; create. [HB 4398](#) (Rep. Jasper Martus) Civil procedure: civil actions; false claims act; enact. [HB 4399](#) (Rep. Denise Mentzer) Labor: fair employment practices; certain noncompete agreements; prohibit employers from requiring employees to enter into unless certain conditions are met. [HB 4400](#) (Rep. Rachael Hood) Criminal procedure: sentencing guidelines; sentencing guideline for employer requiring nondisclosure of wages; enact. [HB 4401](#) (Rep. Karen Whitsett) Labor: fair employment practices; employer requiring nondisclosure of wages by employee; increase penalties for. [HB 4402](#) (Rep. Regina Weiss) Criminal procedure: sentencing guidelines; sentencing guideline for wage and fringe benefit payment violations; enact. [HB 4403](#) (Rep. Will Snyder) Labor: fair employment practices; penalty for wage and fringe benefit payment violations with the intent to defraud; increase. [HB 4404](#) (Rep. Penelope Tsernoglou) Labor: hours and wages; employer violations regarding the payment of wages and fringe benefits; increase sanctions for. [HB 4405](#) (Rep. Jaime Churches) Labor: fair employment practices; deductions from wages without written consent of employee; revise notice period for certain deductions related to garnishment. [HB 4406](#) (Rep. Alabas Farhat) Labor: fair employment practices; wage information of similarly situated employees; require an employer to disclose to an employee under certain circumstances.

Automatic Income Tax Cut Triggered/A.G. Opines Only Valid For 1 Year

Under a law increasing the gas tax passed in 2015, a “trigger” was inserted to automatically reduce the Michigan income tax if annual general Fund revenue is 40% higher than a prior year after inflation. State officials announced the trigger was activated when they determined final numbers for Fiscal 2022 versus 2021. As a result, there will be a reduction of the state income tax rate from 4.25% to 4.05% this year at a cost of approximately \$600 million in reduced revenue. Almost immediately after the announcement by the Michigan Department of Treasury, Attorney General Dan Nessel announced she had issued a legal opinion stating the reduction will only be in effect for one year. Republicans insist the intent of the law was for the income tax reduction to be permanent. A.G. opinions are the law unless they are overturned by a court or the law is changed by the legislature.

Repeal of Michigan’s “No Stricter Than Federal” Rule Law Advances

Legislation (SB 14) sponsored by the chair (San McCann) of the Senate Energy & Environment Committee would repeal a provision in Michigan’s Administrative Procedures Act (APA) that restricts any rule more stringent than federal requirements unless a department director can show a “clear and convincing need.” Major environmental groups supported the bill while major business groups opposed it. The bill was approved by the Senate Energy & Environment Committee on March 22nd and passed the Senate on April 27th.

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Sales/Use Tax Exemption For Delivery & Installation Expenses Enacted

The Governor has signed legislation (HB 4039 and HB 4253) to eliminate the sales and use tax on delivery and installation from state tax if they are itemized separately on an invoice has been enrolled for . HB 4054 and SB 97 would clarify the scope of the industrial processing exemption to apply to certain activities performed on aggregate products or materials and hold the School Aid Fund harmless for any revenue loss.

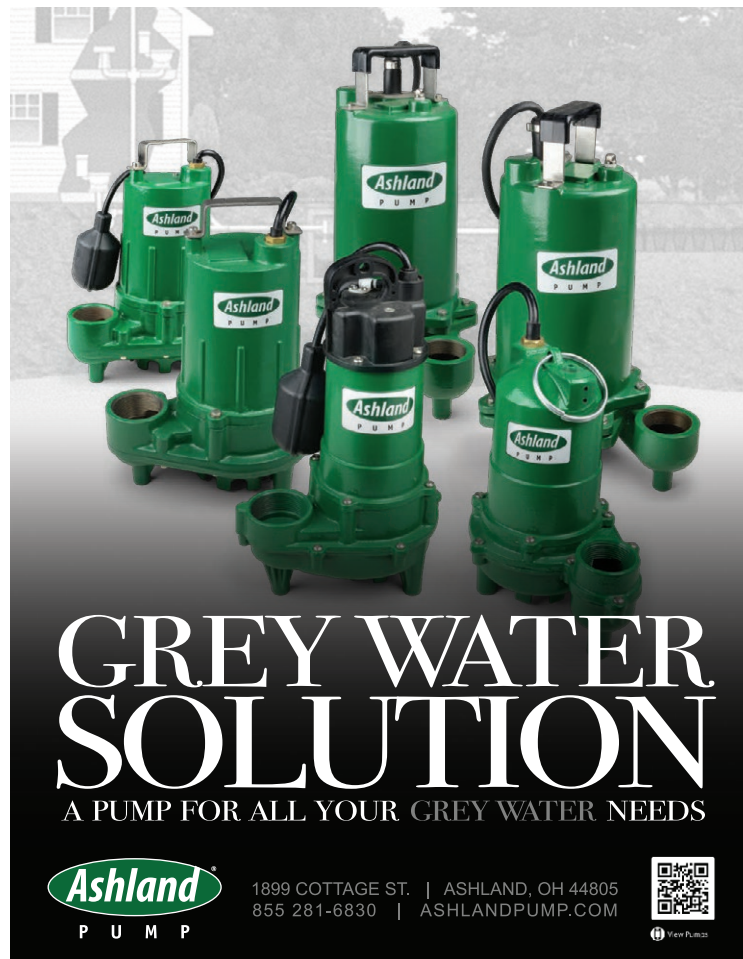
Bills Would Ban Mobile Device Use While Driving/Allow Automated Speed Enforcement

Recently-introduced legislation (HB 4250, HB 4251 and HB 4252) would replace the current law prohibiting texting while driving. The legislation would generally prohibit holding a device or using it for any reason, including among other things texts, calls, videos, and engaging with social network sites. The bills would provide exceptions for specific cases such as hands-free or emergency use. Separately, legislation (HB 4132 & HB 4133) has been introduced to allow the use of automated speed enforcement systems in construction zones on roads under state jurisdiction

Consumers Energy Files New General Electric Rate Case

On May 1, 2023 Consumers Energy filed for a \$216 million rate increase for its electric customers in [Case U-21389](#). Under the 2016 energy law revision, the MPSC has 10 months to make a final decision in the case.


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Registration will be available on the MSTA Website at www.msta.biz in late summer to early fall. Hope to see everyone there!