

August 2020

## **“RETURN TO LEARN” SCHOOL PACKAGE SIGNED INTO LAW BY GOVERNOR WHITMER**

House lawmakers gave final legislative approval Monday to a series of bills (HBs 5911, 5912, and 5913) aimed at addressing concerns of educators and parents as students prepare to start the new school year during the coronavirus pandemic. The Senate passed the package during a rare session last Saturday with Governor Whitmer signing the bills into law today.

The Governor and legislative leaders came to an agreement late last Friday, saying the bills give school districts clarity, guidance, and flexibility on how to educate students in person or on line this year.

The contents of the bills are as follows:

- Removal of proposed mandates for K-5 in-person classes.
- Funding for school districts would have additional weight given to prior year pupil count in order to help provide financial stability for districts, with added flexibility for documenting attendance.
- Districts will be required to document teacher two-way interactions with students if providing virtual instruction.
- A benchmark assessment will be required in both the fall and spring of the 2020-2021 school year, with allowance of remote administration. MDE will approve 5 benchmark providers total with one provided for free to districts.
- School boards will be required to publicly reevaluate their plans every month, incorporating health department data and allowing for public input.
- School districts would need to establish “education goals” for students by September 15th and publish extended COVID-19 learning plans by October 1st on district websites.

## **GOVERNOR EXTENDS STATE EMERGENCY ACT TO SEPTEMBER 4**

With every region of the state showing an uptick in new cases of COVID-19 over the past several weeks, and daily case counts in late July exceeding 50 cases per million statewide, according to Governor Gretchen Whitmer's office, she has signed an executive order extending the Emergency Act to September 4<sup>th</sup> -- the Friday leading up to the Labor Day weekend.

Governor Whitmer has also signed an order requiring face coverings to be worn in all child care centers and camps, citing 19 documented outbreaks at those locations.

In addition, the Governor signed an executive directive that requires state departments and autonomous agency heads to make enforcing COVID-19 related laws – like indoor capacity limits and indoor mask wearing – a priority.

The directive requires departments to keep violations of COVID-19 executive orders in mind when businesses are getting licenses and consider suspending licenses or shutting down restaurants, for example, if they become aware of a “public health hazard”

## **GOVERNOR WHITMER VETOES MEDICAL IMMUNITY BILL**

Governor Gretchen Whitmer put her veto pen to Republican-sponsored legislation (SB 899) that would have given the medical community and nursing homes broad immunity protections against potential lawsuits connected to COVID-19 treatment.

Governor Whitmer said she took the action out of concerns it too severely limited potential wronged patients' access to the courts.

The Michigan Association for Justice (MAJ) said the bill went too far by protecting any health provider for basically any conduct for an extended period of time.

Bill sponsor Senator Michael MacDonald (R-Macomb) was concerned that Governor Whitmer's emergency executive powers from the 1945 Riot Act didn't give her the power to shield doctors and nurses against legal action from those who die or suffer from COVID-19 while under their care.

## **HEARING EXPECTED SOON ON COVID PROTECTION FOR BUSINESS**

Representative Graham Filler (R-DeWitt), chair of the House Republican Judiciary Committee, says he wants to hold a hearing right away to protect businesses and universities from the inevitable lawsuits tied to allegations that they are not protecting customers or students from COVID-19.

## **SUPREMES STIFLE VOTING REQUIREMENT CHALLENGE**

An appeal of a lower court's ruling that tossed lawsuits challenging the state's automatic voter registration, challenged ballot and proof of residency requirements will not be heard by the Michigan Supreme Court.

In an order, the state's highest court said it was not persuaded to hear Promote the Vote's (PTV) appeal of a Court of Appeals panel ruling affirming the dismissal. And in a separate order, it also declined to hear Priorities USA and RISE Inc.'s appeal on similar issues.

## **RECORDS BROKEN FOR AUGUST PRIMARY TURNOUT AND ABSENTEE VOTES CAST**

The more than 2.5 million people who voted in the Michigan primary broke the record from the 2018 August primary, which was 2.2 million, according to figures reported by the Secretary of State's office.

And the 1.6 million absentee ballots that arrived by mail or were delivered to drop boxes or clerks this election was more than the 1.3 million absentees that occurred during the 2016 presidential election. There were also 3,641 Election Day registrations.

But Secretary of State Joslyn Benson said more than 10,000 ballots received were rejected. Reasons were not immediately clear, but one of the reasons could be that a ballot mailed prior to Election Day but was received after 8 p.m.

## **TOUGHER PFAS RULES TAKE EFFECT**

Unhappy with the federal government not adopting health-protecting standards for polyfluoroalkyl substance compounds (PFAS) in drinking water, Michigan has adopted tougher standards for drinking water which are now in effect.

The state's new standards significantly reduce the allowable levels of PFAS and PFOA in drinking water to 16 and 8 parts per trillion, respectively, and for the first time, assign limits to five other PFAS.

Michigan previously used the U.S. Environmental Protection Agency's nonenforceable health advisory level for PFAS and PFOA.

### **GOVERNOR WHITMER INKS BIPARTISAN BUDGET BILLS**

In a rare display of bipartisan cooperation, the Legislature has approved and Governor Gretchen Whitmer has signed into law legislation (HB 5265 and SB 373) that will resolve the \$2.2 billion hole in the state's current budget by using mostly federal money, \$350 million from the Rainy Day Fund, fund shifts, and \$483 million in hard cuts.

Roughly \$1.3 billion in federal money is being used to replace cuts in Department of Corrections programming and Michigan State Police posts. Additionally, the agreement includes a \$175 per-pupil cut to K-12 schools, an 11% cut to state universities and community colleges, cuts to revenue sharing to cities and \$125 million in other assorted General Fund reductions, as well as adding \$150 million in additional Medicaid match.

The \$483 million in hard cuts include the School Aid Fund, the Judiciary, temporary layoffs, hiring freeze and freezing discretionary spending. However, significant federal money was also allocated to schools (\$350 per-pupil) and higher education as well to assist with costs directly related to coronavirus response, such as distance or virtual learning technology costs, PPE acquisition and related health & safety costs, or professional development. While helpful, that federal funding does come with restrictions, meaning schools and higher education institutions cannot necessarily use the funding to cover all costs incurred due to reduced state revenues resulting from the state's pandemic response.

About \$13 million that would have gone to fixing the roads and another \$13 million for economic development in the transportation budget will not be spent.