

June 2020

REPUBLICAN LAWMAKERS INTRODUCE \$1 BILLION PLUS EDUCATION PLAN

Under a \$ billion plan recently announced by Republican lawmakers, local school districts would be put in charge of their own safety protocol, classroom structure, and academic calendar when and if in-person learning is scheduled to start this fall.

The “Return to Learn Plan” steers federal Coronavirus Aid, Relief and Economic Security (CARES) Act money to local school districts so officials can craft their own calendar, learning plans, and extracurricular activity schedule in the COVID-19 world.

The money will be organized to provide an additional \$800 for each K-12 pupil, a one-time \$500 payment to “frontline teachers” and \$80 million to Intermediate School Districts to equip them for distance learning plans and cautious learning measures.

BALLOT COMMITTEE FORMED TO REPEAL EMERGENCY POWER LAW

Calling itself Unlock Michigan, a ballot committee is seeking to repeal a disputed 1945 law that gives the Governor emergency powers by sending a proposal to the Legislature for a vote before the end of the year.

The law in question is the one that doesn’t require legislative approval for a Governor to extend a previously declared state of emergency.

The initiated petition requires 340,047 valid signatures for its approval so it can become law.

Meanwhile, the Michigan Supreme Court has refused to take up the Michigan Legislature’s challenge to Governor Gretchen Whitmer’s emergency powers, saying instead the case should follow the normal appeals court route to the Michigan Court of Appeals.

The GOP-led Legislature had requested their lawsuit bypass the appeals court following a ruling by Court of Claims Judge Cynthia Diane Stephens’ that the state’s emergency powers act gives the Governor the power to declare a state of

emergency, but said the Governor exceeded her authority by the 1976 Emergency Powers Act to re-declare a state of emergency without the Legislature's support.

GOVERNOR WHITMER LIFTS STAY AT HOME ORDER, EXTENDS EMERGENCY ORDER, DELAYS ADDITIONAL REOPENINGS'...BUT...ISSUES A 'PLAY BALL' EO

Governor Gretchen Whitmer lifted her Stay At Home order last month but has extended the State of Emergency Order, which was set to expire June 19, until July 16 and has indicated the possibility of a further extension. In addition, concerned about new virus spikes, she has delayed moving the rest of the state into Phase 5 including the re-opening of Detroit casinos. However, the Governor recently issued an executive order that will allow the Detroit Tigers to play in Detroit when Major League Baseball (MLB) is set to return to action July 24...BUT...with no fans allowed.

A U.S. District Court Judge ordered the state to open gyms, fitness centers, recreation centers and indoor sports facilities. On an appeal by Governor Gretchen Whitmer, a federal appeals court on Wednesday June 24th agreed to delay implementation of the District Court Judge's order that would have allowed gyms and other recreational centers to reopen in Michigan beginning June 25.

LEGISLATURE SENDS GOVERNOR \$880 MILLION SUPPLEMENTAL BILL

The Legislature has passed and sent to Governor Gretchen Whitmer an \$880 million mid-year supplemental bill that allows the state to hire 500 additional employees to give a boost to the overwhelmed Unemployment Insurance Agency (UIA).

The money is the first big chunk of federal CARES ACT funding to assist states and local governments in covering costs as a result of the COVID-19 epidemic.

Also included in the supplemental is \$60 million for a rental assistance program, \$25 million for personal protection equipment, COVID-19 testing and testing equipment, \$25 million to public water providers, \$125 million to child care providers who reduced their rates to struggling families, and \$5.1 million to pay for a \$100 per diem increase for hospitals accepting Medicaid recipients who need inpatient psychiatric services.

SENATE PASSES LEGISLATION TO POSTPOSE NEW BUDGET DEADLINE

The Senate unanimously passed legislation (SB 96) to postpone until 2021 the July 1 deadline by which legislators are supposed to get budget bills to the Governor. This means the traditional September 30 deadline by which budget bills need to be signed for the next fiscal year will be in effect for another year.

Meanwhile, ideas on how to address a \$2.2 billion hole in the current fiscal year are being discussed between the State Budget Office and legislative leaders. One of the outstanding issues is the federal funding.

The Whitmer administration wants to find a way to use between \$2 and \$3 billion in unspent and unallocated federal money to address COVID-19 to plug the budget hole, but some Republicans aren't totally on board with the idea.

JUDGE ORDERS TEMPORARY HALT TO LINE 5 OPERATIONS

Ingham County Circuit Judge James S. Jamo has ordered Enbridge Energy to cease all transport operations of its Line 5, which carries crude oil and liquid natural gas in the Straits of Mackinac. Jamo also ordered Enbridge to disclose information in its possession related to the recent damage caused to the pipeline's eastern segment.

COVID PATIENTS WOULD BE SEPARATED UNDER SENATE BILL

In a 24-13 vote, the Senate has passed and sent to the House legislation (SB 956) that would move COVID-19 patients into a dedicated facility in one of Michigan's eight health care regions.

The measure requires the Department of Health and Human Services (DHHS) to create a dedicated facility system and submit the plan to lawmakers by August 15. It also requires the department to come up with enhancements to prevent any further spread of COVID-19 in nursing homes if the new plan includes regional hubs.

DHHS ORDERS REGULAR COVID-19 NURSING HOME TESTING

For the first time, the state is mandating regular COVID-19 testing of nursing home residents as part of a Michigan Department of Health and Human Services order.

The order will require initial testing of all residents and staff, testing of all new or returning residents during intake, unless tested within 72 hours of intake, as well as testing of any resident or staff member with symptoms or suspected exposure.

Weekly testing will be required of all staff in the state's designated regions 1 through 5 and 7 at least once by July 3. The order was issued on June 15.

FULL COURT HEARING ON REDISTRICTING DENIED

The Sixth Circuit Court of Appeals has denied a request by the Michigan Republican Party (MRP) and conservative groups for an en banc hearing on blocking the creation of the redistricting commission voters approved in 2018.

As a result, a three-judge panel's unanimous ruling affirming the Independent Citizens Redistricting Commission, including its eligibility requirements, stands.

LEGISLATURE GIVES A GO TO 'COCKTAILS TO GO' BILL

The Legislature has passed and sent to Governor Gretchen Whitmer legislation that would allow people to order cocktails for pickup or delivery from Michigan bars or restaurants through 2025.

The bill is part of a broader package to help businesses hurting during the coronavirus epidemic

Governor Whitmer is expected to sign the bill.