

# CAPITOL NEWS UPDATE

WEEK OF APRIL 27, 2020

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## **GOVERNOR EXTENDS EMERGENCY WITHOUT LEGISLATIVE APPROVAL – LEGAL ACTION THREATENED**

The Legislature and Gov. Gretchen Whitmer entered a tug-of-war on extending Michigan's state of emergency on Thursday, as Whitmer issued new executive orders extending the state of emergency Thursday night, directly following votes in the House and Senate to cut back her executive powers.

Whitmer announced three Executive Orders Thursday night which will effectively extend Michigan's state of emergency through 11:59 p.m. on May 28.

The first order terminated the existing state of emergency and disaster declarations, the second declared that Michigan remains under a state of emergency under the Emergency Powers of the Governor Act of 1945, and the third declared a new state of emergency and disaster under the Emergency Management Act of 1976.

Prior to Whitmer's announcement earlier on Thursday, the Legislature not only did not extend the state of emergency which expired after midnight on Thursday, but also passed resolutions giving Republican leaders authority to legally challenge any attempt by the governor to extend the state of emergency without legislative approval.

Additional bills passed on this week by included a bill codifying some executive orders for limited periods and requiring social distancing and mask-wearing because of the COVID-19.

"While some members of the Legislature might believe this crisis is over, common sense and all of the scientific data tells us we're not out of the woods yet. By refusing to extend the emergency and disaster declaration, Republican lawmakers are putting their heads in the sand and putting more lives and livelihoods at risk. I'm not going to let that happen," said Whitmer.

Senate Majority Leader Mike Shirkey (R-Clarklake) said he originally agreed with the governor's initial response, but that now the Legislature needed to take action to ensure the proper separation of powers.

"Now the Legislature must make a choice to either allow our governor to continue to govern by executive order or to trust our constituents to take the necessary precautions to protect themselves and their families without the governor mandating a one-size-fits-all, stay-at-home order," Shirkey said.

## **REPUBLICANS SEND BILLS TO GOVERNOR TO WOULD OPEN STATE MAY 16, MAINTAIN SOME REQUIREMENTS UNTIL MAY 30**

The House and Senate passed legislation on Thursday that would allow bars, restaurants and other similar businesses to open again on May 16, while still requiring social distancing and personal protective measures until May 30.

The bill sets into code many of Gov. Whitmer's executive orders, while ignoring several of her other orders including the stay-at-home order.

The executive orders that would be codified under the bill include keeping k-12 schools closed for the remainder of the academic year, expanding unemployment, protocols for prisons and jails, and restrictions for nursing homes and other long-term care facilities.

SB 858 passed 59-41 in the House. Rep. Karen Whitsett (D-Detroit) was the only Democrat to vote yes, while the Senate bill passed 22-16 along party lines.

Democrats, including Senate Minority Leader Jim Ananich (D-Flint) called the bills political stunts, and even unconstitutional.

Republicans said the bills are necessary to maintain a balance of power between the branches of government, and that Gov. Whitmer wants to make decisions for the state without going through the constitutional process.

Gov. Whitmer is expected to veto the bill.

## **NUMBER OF NEW COVID-19 CASES IN MICHIGAN CONTINUES TO DECLINE**

Data reported by the Department of Health and Human Services is showing that the percentage of people who have tested positive for COVID-19 has been on a downward trend since April 15, with the number of positive tests remaining below 20 percent, with recent numbers showing between 10.7 and 12 percent in most areas. West Michigan, however, is showing an uptick. Cases in Kent, Ionia and Ottawa Counties are escalating at a faster pace.

DHHS officials have said that the increased testing gives a clearer picture of the virus. Statewide, the total number of cases stood at 41,379 with 3,789 deaths as of Thursday. Michigan ranks seventh in the country for the most cases and has the third-most deaths according to national media reports.

It appears the upper peninsula of Michigan has had limited number of COVID-19 cases, with the entire region reporting 76 COVID-19 cases since the beginning of the pandemic as of last Monday. Even though 3% of Michigan's population lives in the Upper Peninsula, only 0.2% of the cases have been reported in its 15 counties. In total 16 people have died from COVID-19 complications in the UP, which means 0.4% of all of the state's deaths. This is compared to 82% of the state's total COVID-19 related deaths from Macomb, Oakland and Wayne counties.

## **PROTESTORS GATHER AT CAPITOL ON THURSDAY**

Anywhere from 400 to 700 protestors gathered on the Capitol lawn, sidewalks, and eventually inside the Capitol on Thursday, enduring rain and voicing their opinions about Gov. Whitmer's restrictions on businesses and recreational activities. Protestors were not allowed in the Michigan House Gallery where the House of Representatives held session, but they chanted "Let us in" loudly and could be heard from within the chamber.

In the House lobby, hundreds of protestors were packed together, not wearing masks and screaming at State Police troopers. State Police spokesperson Lt. Brian Oleksyk said that 275 protestors were allowed in the capitol at one time, and that although not many were wearing masks, the current executive order did not include penalties for this.

According to Gongwer reports, dozens of protestors were allowed into the Senate gallery with some carrying open firearms.

### **ATTORNEY GENERAL INVESTIGATING CONTACT TRACING CONTRACT**

In a letter to Sen. Jim Runestad (R-White Lake), Michigan Attorney General Dana Nessel has agreed to investigate how the state procured a contract, which is now canceled, with Great Lakes Community Engagement – a contact tracing group with ties to the Democratic party.

The contract with Great Lakes Community Engagement was signed on April 20 by Gov. Whitmer, but canceled the next day after Republicans sounded off that the organization was led by a Democratic Party consultant based in Michigan who would have done the work with the aid of another group called EveryAction, which is linked to technology provider for Democratic political campaigns, NGP VAN.

Whitmer has said the contract was mishandled and should have been approved by the State Emergency Operations Center instead of the Department of Health and Human Services or its staff.

Runestad said he is looking for an answer to why the staff members chose the firm through a no-bid process, and other questions.

### **FIRST INSURANCE COMPANY SUED OVER BUSINESS INTERRUPTION COVERAGE**

St. Julian Wine Co. in Paw Paw filed a federal lawsuit Thursday against the Ohio-based, Cincinnati Insurance Company, claiming that the company failed to pay a claim for financial loss due to the COVID-19 pandemic.

The winery claims it purchased an “all risk property damage policy” for its locations in Paw Paw, Frankenmuth, Dundee, Union Pier, Albion, Coloma and Rockford, with coverage including "promises to pay for actual loss due to the necessary suspension of operations caused by accidental physical loss or accidental physical damage to the covered property."

CIC denied St. Julian's request for losses. The winery is seeking more than \$75,000 in damages for lost business income and extra expenses.

### **MM&A Briefs**

#### **New Executive Director for Michigan Association of Superintendents and Administrators**

Dr. Tina Kerr has been named the new executive director for the Michigan Association of Superintendents and Administrators effective July 1. Kerry replaces Chris Wigent, who is retiring in December.

#### **Listen to Supreme Court Arguments for first time in history**

Real-time arguments before the U.S. Supreme Court will be broadcast for the first time beginning at 10 a.m. on May 4. Remote arguments will be held May 4-6 and May 11-13.