

CAPITOL NEWS UPDATE

WEEK OF JUNE 22, 2020

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SENATE VOTES TO SEPARATE NURSING HOME PATIENTS WITH COVID-19

Republican legislators in the Senate passed a bill this week to move nursing home residents who test positive for Coronavirus into separate regional facilities.

Sponsored by Sen. Peter Lucido (R-Shelby Twp.), Senate Bill 956 passed 24-13 along mostly party lines Wednesday. Under the bill, residents testing positive for coronavirus would be banned from being placed in nursing homes and would instead be placed in centralized facilities developed and operated by the Department of Health and Human Services in each of Michigan's eight health care regions.

The majority of the Senate Democrats opposed the bill and were against moving potentially frail individuals against doctor's advice with the exception of Sen. Dayna Poleonki (D-Livonia) and Sen. Paul Wojno (D-Warren) who voted in favor of the bill.

Republicans have continuously criticized Gov. Gretchen Whitmer's approach to nursing homes during the pandemic. Under Executive Order 2020-50, which was since rescinded, if a long-term care facility had a resident who was hospitalized with COVID-19, they had to accept the resident's return as long as they could meet the resident's medical needs and capacity allowed, along with having screening precautions in place.

Under the current order, COVID-19 residents are only to be discharged from a hospital and back to a nursing facility if it is capable of handling the resident.

Republican lawmakers had also recently passed a resolution condemning Whitmer for the orders.

Some nursing home advocates say that although the separation of patients does need to happen, it doesn't have to happen in separate facilities.

National and state averages show about one-third of total deaths from COVID-19 are from individuals in nursing homes.

As passed, the bill requires DHHS to report back to the Legislature by the end of July about how the regional hubs work, outline a plan by August for how the dedicated facilities will happen, ensuring federal Centers for Disease Control and Prevention guidance will be used, and allowing for the Department of Licensing and Regulatory Affairs to coordinate efforts with DHHS.

CIRCUIT COURT DECISION SHUTS DOWN LINE 5 UNDER STRAITS OF MACKINAC

Ingham County Circuit Court Judge James Jamo shut down both of Enbridge Energy's Line 5 twin pipelines that run under the Straits of Mackinac on Thursday, citing that the company failed to prove that the western pipeline was not a current threat to surrounding waters.

The decision comes after Enbridge alerted the state last week that damage was discovered on the east leg of Line 5. After finding the damage, Enbridge shut down the line and then resumed partial operation after saying it found no damage on the western leg, despite Gov. Gretchen Whitmer's request that the entire line be shut until the state could investigate and review the damage. Attorney General Dana Nessel issued an injunction and restraining order requests on Monday.

According to Jamo's decision, Enbridge failed to identify how it reached conclusions on issues including its claim that the western pipeline is intact and operating safely.

"No information was given about how the report reached its conclusion that current operations are safe, what might have caused the 'feature of interest' on the west line, what steps were taken to mitigate or avoid similar damage to the west line as has been sustained by the east line, or what information was analyzed in determining there was no damage to the west line's structural integrity," Jamo wrote. "The court is therefore unable to determine that defendants have followed the usual necessary and proper procedures in restarting the west line, or that defendants are operating the west line with due care as a reasonably prudent person would."

Jamo also cited a lack of information available about conversations between Enbridge and the Pipeline and Hazardous Materials Safety Administration about restarting the western line, and Enbridge's failure to turn in necessary oversight documentation to the state.

A hearing to determine when both the eastern and western portions of Line 5 can reopen will take place at 1:30 p.m., Tuesday, June 30 via Zoom, and livestream on YouTube.

WHITMER TO ALLOW PROFESSIONAL SPORTS WITH NO FANS

Professional sports will be allowed to resume in Michigan, although with no live fans, according to an executive order signed by Gov. Whitmer on Thursday.

Executive Order 2020-133 enables professional sports training and competitions to resume with a COVID-19 safety plan including proper distance between competitors. Live audiences are not allowed. The order will allow the Detroit Tigers to participate in Major League Baseball, which is getting ready to begin again in July.

LEGISLATURE APPROVES \$880 MILLION IN CORONAVIRUS ASSISTANCE

State lawmakers in both houses unanimously approved a plan last week to spend \$880 million of the \$3 billion in federal funds awarded to Michigan under the federal CARES Act.

The plan spends funds on the state's response to COVID-19, with money going to childcare costs, K-12 distance learning and hazard pay for frontline workers.

Senate Bill 690 was sponsored by Senate Appropriations Chair Jim Stamas (R-Midland). Stamas and others said the bill is not perfect but will make a difference to Michigan residents who have been impacted by the COVID-19 pandemic. The spending plan includes:

- \$200 million for local governments to pay for public health and first responders dealing with the pandemic.
- \$100 million for grants to small businesses and nonprofits.
- \$125 million to subsidize childcare rates for June, July and August.
- \$117 million for wage increases for direct care workers.
- \$60 million towards a rental assistance program.
- \$43 million towards public schools to address the increased costs of education.
- \$40 million for testing supplies and PPE for critical industries.
- \$29 million to fund additional temporary workers at the Unemployment Insurance Agency.
- \$10 million towards reopening businesses safely.

LEGISLATURE PASSES SUMMER PROPERTY TAX DEFERMENT LEGISLATION

Legislation that allows summer property taxes for individuals and business owners to be deferred is on its way to Gov. Whitmer's desk this week after being reported from committee and passed by the Senate hours later on Wednesday. The legislation seeks to help struggling business owners and local governments who are experiencing cash flow issues due to the pandemic and the resulting problems caused by shuttered businesses.

The property tax bills, HB 5761, HB 5810, and SB 943 allow taxpayers, including business owners, to defer interest-free summer 2020 assessments until March 1, 2021. As passed, the bills also include a provision that allows those impacted by recent flooding from dam failures last month to be included among those who can defer their summer property taxes.

Once signed, taxpayers seeking a deferment are required to file a form and affidavit by Aug. 28 stating their economic hardship is a result of either the coronavirus pandemic or from the government's response to the pandemic.

The bills also include the creation of a property tax advance payment program through the Department of Treasury State to assist local governments with cash flow issues as a result of the deferment. In the program, each county would provide its local tax collecting units with advance payments on the summer 2020 property tax payments deferred.

REPUBLICANS PUSH \$1.3 BILLION SCHOOL REOPENING PACKAGE

Republican legislators introduced a \$1.3 billion "Return to Learn Plan" at a press conference this week, the plan could see schools getting an additional \$800-per pupil funding to help districts establish their own safety protocols for in-person learning this fall.

The plan directs federal Coronavirus Aid, Relief and Economic Security (CARES) Act money to local school districts, allowing them to work with local health departments to create safety protocols, classroom structure, and an academic calendar. The initial draft also allows changes to the definition of attendance to let schools meet seat time requirements even if participating in distance learning.

It would also pay for and require schools to use benchmark assessments when in-person learning resumes.

In addition to the extra \$800 per K-12 pupil, the \$1.3 billion will be spent on a one-time \$500 payment to "frontline teachers," and \$80 million to Intermediate School Districts to help develop and implement distance learning plans and measures to make in-person learning safe and possible.

Gov. Whitmer's Return to Learning Advisory Council plans to release its "Return to School Roadmap" on June 30. The Roadmap is supposed to set minimum health and safety standards in order for all public, charter, parochial, and private schools to resume in-person learning.

MM&A Briefs

Former Senate Dem Leader Art Miller Dies

Longtime Senate Minority Leader Art Miller Jr. died on Thursday of lung cancer at the age of 73. Miller served in the Senate from 1977-2002, and his 26 years of service included 10 as minority leader. He was highly respected by colleagues in both parties. Miller was the son of the first mayor of Warren, Art Miller Sr. and Edna Miller, the Macomb County Clerk for three decades.

Whitmer Extends Video Conferencing for State Hearings

Gov. Whitmer signed Executive Order 2020-132 this week to extend the allowance for state administrative hearings to be held by video conference or phone in place of in-person hearings until July 31.

Calendar of Important Events

June 29 Sen. Wayne Schmidt (R) PAC Fundraiser

Location: 10 a.m., The Bear, Grand Traverse Resort and Spa, 100 Grand Traverse Village Boulevard, Acme

House Republican Campaign Committee Golf Outing and Annual Dinner

Location: 1 p.m., Eagle Eye Golf Course, 15500 Chandler Road, Bath
(Because of the COVID-19 pandemic, this is now a nine-hole outing. The VIP sponsor reception and strolling dinner reception have been canceled. Social distancing protocols will be in place.)

June 30 Sen. Jim Stamas (R) PAC Fundraiser

Location: 9 a.m., Garland Lodge and Golf Resort, 4700 North Red Oaks Road, Lewiston

Rep. Steve Marino (R) Lunch Reception

Location: 11:30 a.m., Hop and Vine Room, Michigan Beer and Wine Wholesalers, 332 Townsend St., Lansing

July 1 Rep. Graham Filler (R) Fundraiser

Location: 5:30 p.m., 12705 Warm Creek Drive, DeWitt,
(Outdoor barbecue)

July 6

Rep. Scott VanSingel (R) Fundraiser

Location: 5:30 p.m., Home of Rep. VanSingel, 12615 Catalpa Avenue, Grant

July 9

House Democratic Fund Fundraiser

Location: 5 p.m., Old Town Marquee, 319 Cesar Chavez Ave., Lansing