

CAPITOL NEWS UPDATE

WEEK OF JULY 19, 2021



McAlvey Merchant
& ASSOCIATES

LEGISLATURE REPEALS 1945 EMERGENCY POWERS OF THE GOVERNOR ACT

The Michigan House landed a fatal blow to the Emergency Powers of the Governor Act of 1945 this Wednesday, voting mostly along party lines 60-48 in support of the Unlock Michigan initiated law ending the Act. The Senate approved the initiative one week before.

The repeal of the Emergency Powers of the Governor Act of 1945 will be effective in 2022, 91 days after the lawmakers formally adjourn the current legislative session in December.

The 1945 law, originally established in response to riots in Detroit in 1943, according to the Detroit Free Press, was used by Gov. Gretchen Whitmer from May through early October 2020 to battle the Coronavirus pandemic.

Before the Supreme Court ruled the law unconstitutional in October 2020, Whitmer used the law to keep the state under an emergency declaration, suspend laws, and issue restrictions and orders related to the pandemic.

Although it was ruled unconstitutional, Republicans have pushed for the law to be repealed and taken off the books completely. A group called Unlock Michigan organized a petition drive to collect over 540,000 signatures in 80 days. In Michigan, once a petition to change the law has enough signatures, it then goes to the Legislature for possible approval. Lawmakers have 40 days within receiving the petition to act – if no action is taken, it then goes on the ballot as a ballot question for voters. If lawmakers do act and approve the initiative before the 40 days, it then becomes law and bypasses the Governor's ability to veto it.

Opponents of the Emergency Powers Act said that the act gave Gov. Whitmer too much power to act without legislative input or oversight.

In October 2020, the Michigan Supreme Court ruled the 1945 law was an unconstitutional delegation of legislative powers to the executive. Before this week, Gov. Whitmer had vetoed multiple efforts from the legislature to repeal the law.

FEDS NOT INVESTIGATING MICHIGAN ON NURSING HOMES

According to a letter from the U.S. Department of Justice sent to Gov. Whitmer's office on Thursday, the department will not open a civil rights investigation into Michigan nursing homes related to the Whitmer administration's COVID-19 policies.

The department had requested documents regarding the policies in August, when former Donald Trump's attorney general, Bill Barr, sent a letter to Gov. Whitmer and other Democratic governors in New York, New Jersey, and Pennsylvania. The requests alleged that Whitmer and the others "issued orders which may have resulted in the deaths of thousands of elderly nursing home residents."

The letter, directed to Gov. Whitmer's chief counsel Mark Totten, said that the inquiry is not proceeding.

"We have reviewed the information you provided along with additional information available to the Department. Based on that review, we have decided not to open a (civil rights) investigation of any public nursing facility within Michigan at this time," wrote Steven Rosenbaum, chief of the litigation section with the Justice Department's civil rights division.

Rosenbaum is a career employee of the department. In addition, although the department's authority is under an appointee of President Joe Biden, they did open an investigation in February into New York Governor Andrew Cuomo's administration's handling of nursing homes and COVID-19 policies.

Michigan Republicans first criticized Whitmer's handling of COVID-19 in nursing homes after she issued a short-lived executive order early in the pandemic that required COVID-19 positive patients who didn't require hospitalization to be placed in sectioned off areas of nursing homes if it could be done safely. Both Whitmer and the Michigan Department of Health and Human Services said the order was not implemented as written.

GOV. WHITMER VETOES REPUBLICAN BILL TO END EXTRA \$300 IN UNEMPLOYMENT BENEFITS

Gov. Whitmer vetoed a GOP bill last week that would have opted the state out of the federal unemployment benefit program's \$300 weekly benefit for people unemployed during the COVID-19 pandemic.

The federal benefit program is set to end on Sept. 4, 2021, and more than half of the states in the country have ended the benefit already to encourage people to fill jobs. The bill also lacked immediate effect, not taking effect until 2022.

Whitmer and the legislature did hold conversations regarding Whitmer saying she would be willing to end the benefit early, if Republican legislators agreed to increase the typical \$362 weekly unemployment benefit residents usually receive to \$422, increasing the unemployment bonus for children from \$6 to \$20; and depositing \$425 million into Michigan's Unemployment Insurance Trust Fund.

Sen. Ken Horn, (R-Frankenmuth), said that negotiations did occur, but that there was not enough time or a vehicle to place the unemployment agreements into.

FLINT MAYOR DECLARES STATE OF EMERGENCY

Flint Mayor Sheldon Neeley announced today that he was declaring a state of emergency in the city due to a rapid rise in gun violence.

Neeley said the city has seen 158 nonfatal shootings so far in 2021, compared to 88 at this point last year. That represents an 80% increase year to year. Flint has seen 39 homicides so far this year.

“This action is being taken to protect the public health, safety and welfare of citizens of Flint,” Neeley wrote in the declaration.

By declaring a state of emergency, the city will be able to provide a higher level of service by gaining an additional \$2.5 million in funding through the American Rescue Plan. The Plan has already allocated \$94 million to the city of Flint.

Neeley plans to establish an emergency response team made up of special law enforcement training officers and detectives, a medical professional, child advocate professional, resource coordinator, social worker and community activist liaison, and clergy.

The city will also be working to hire and retain more qualified personnel. Funding will also go toward hiring more officers, businesses negatively affected by gun violence, community crime watch groups and other community partners.

MM&A BRIEFS

FORMER REPRESENTATIVE DOUG BENNETT, 75, DIES IN MOTORCYCLE CRASH

Bennett, a Democrat from Muskegon Twp., won his House election in 2004 and served as a representative until he was term-limited after the 2010 session. He also served as a local union leader and a Muskegon County commissioner.

CRAIG FORMS EXPLORATORY COMMITTEE TO RUN FOR GOVERNOR

Former Detroit Police Chief James Craig said this week that he has formed “an exploratory committee” for a potential run for governor of Michigan before officially announcing his candidacy. The committee will allow him to raise and spend money for a potential candidacy.

CALENDAR OF IMPORTANT EVENTS

- July 24 Friends to Elect Sen. Adam Hollier (D)**
Location: 4 p.m., Hollier Park 21 Arden Park Blvd., Detroit
- July 26 Sen. Dayna Polehanki (D-Livonia) for State Senate**
Location: 12 p.m., upon RSVP.
(Special guest – Gov. Gretchen Whitmer)

- July 26 Rep. Kyra Harris Bolden (D-Southfield) for State Rep**
Location: 5:30 p.m., Shield's Pizza - 2501 Telegraph Road, Southfield
- July 28 Karaoke with Rep. Kyra Harris Bolden (D-Southfield)**
Location: 5:30 p.m., Shield's Pizza - 2501 Telegraph Road, Southfield
- July 30 Rep. Timmy Beson (R-Bay City) Golf Scramble**
Location: 10 a.m., Maple Leaf Golf Course, 158 N. Mackinac Road, Linwood
- Aug. 1 Rep. Jack O'Malley (R-Lake Ann) Sporting Clay Event**
Location: 9:30 a.m. and 1 p.m., Cedar Rod & Gun Club, 8075 South Sullivan Road,
Cedar
- Aug. 2 Sen. Curt VanderWall (R-Ludington) for State Senate**
Location: 9 a.m., Crystal Mountain-Betsie Valley Course, 12500 Crystal Mountain Dr.,
Thompsonville