



Michigan Association of Superintendents & Administrators

# MASA Legislative Update

Brought to you by: 

September 11, 2020

**Nineteen years ago today, the lives of so many were impacted by the tragic events of 9/11. MASA joins countless others as we remember those lost and impacted.**

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## Summary

This week in Lansing, there were lots and lots of committees, but no formal action or news on the budget. Sources at the bargaining table have indicated that negotiations are going well-ish and that we should expect some news possibly next week. **We are urging lawmakers and our members to review the budget deal carefully to ensure no bad language is slipped into the budget and rushed through for the sake of expediency.** Our fiscal year started in July; if the budget

must wait a few extra days to be done right, that's preferred to rushing through a bad bill.

As you know, the Governor signed [Executive Order 2020-180](#) on Thursday to clarify the face covering requirements for organized sports. **The E.O. specifies that a face covering must be worn at all times by athletes training for, practicing for, or competing in an organized sport when the athlete cannot maintain six feet of social distance, except for occasional and fleeting moments.** We know this is a hot-button issue in many of your communities and MASA will continue to provide resources and information as it becomes available.

As always, please [contact MASA](#) with any questions or concerns.

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## House Sends Foreign Language Requirement Bill to Governor

This week the House passed SB 171, legislation that continues flexibility in foreign language requirements. The legislation, sponsored by Sen. Jim Stamas (R-Midland), **eliminates dates during which high school pupils may fulfill a foreign language requirement for a diploma by completing a formal career and technical education (CTE) program or by completing visual or performing arts instruction.** This was an option for students graduating through 2024, meaning the freshman class of 2020 and was set to expire this year.

This bill had been working through both chambers slowly, and we told you in February to operate under the assumption that the bill would not pass, but we are happy to report this change. As a side note, the bill also removes reporting requirements related to this exception.

One more step remains; **the Governor's signature is still needed before this bill becomes law.**

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## House Tax Round Up

The House Tax Policy Committee briefly met to hear testimony on HB 5778 and HB 5779, two bills that would exempt certain heavy equipment rental personal property from taxation under the General Property Tax Act and levy a specific tax of 2% on the rental of that equipment. In summary, the bills would make any construction, earthmoving, or industrial equipment that is mobile and rented to customers by a qualified renter for a term of less than a year or under an open-ended contract – exempt from the collection of taxes under the General Property Tax Act.

Next, the bills would institute a personal property tax on each transaction of a qualified renter renting this qualified heavy equipment rental property in Michigan that is exempt from property tax. The tax would be paid by the customer renting the property. The tax would be in an amount equal to 2% of the rental price net of any customer credits given at the end of the rental. The bills go into further detail to explain how qualified renters can claim an exemption, fraudulent claims, and various items for the Department of Treasury to follow.

**We bring these bills to your attention because, in their current form, it cannot be determined whether the 2% levy will generate more or less revenue than the existing property tax.** The bills create a Qualified Heavy Equipment Rental Personal Property Exemption Reimbursement Fund, into which all proceeds from the tax levied under the act would be deposited. Then, the Department of Treasury would allocate the first \$250,000 back to the department, and the remaining dollars are distributed – 90% to local tax collecting units where business was conducted that contributed to the taxes being distributed and then 10% to counties, cities, villages, and townships not receiving a share of the distribution above.

If you are wondering where schools fall into this – the bills exclude community colleges, libraries, authorities, and schools from the distribution of the revenue. Additionally, the House Fiscal Analysis states the distribution of the revenue collected under the proposed bills will differ from the current property tax. The Committee chairwoman indicated that a vote would be taken next week on the bills.

Also, this week **the House Ways and Means Committee reported HB 5059, legislation that would reimburse intermediate school districts for tax revenue**

**that is captured by the Brownfield Redevelopment Authority.** Currently, revenues for local school districts in a brownfield are held harmless, but ISDs are not. The School Aid Fund reimburses a local district for school taxes that are captured by the Brownfield Redevelopment Authority through the per-pupil foundation. When ISDs are not reimbursed, this equates to fewer dollars available for special education, career and technical education, and other local programs. This bill addresses a tax parity issue, and the MASA Council has supported this legislation. HB 5059 was amended to revise the reimbursement date to January of 2021.

Finally, the Senate Finance committee reported out the package of PPT bills we included in last week's update. HBs 4926-4930 would positively impact school funding. Together, the package **amends the Local Stabilization Authority Act that creates rules and procedures for the collection and distribution of revenue for townships and local municipal governments.** The bills are now on their way to the full Senate.

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## House Judiciary Talks Mandatory Minimums

This week the House Judiciary Committee began testimony on a handful of bills centered on eliminating mandatory minimums in several areas. The legislation is based on recommendations from the Task Force on Jail and Pretrial Incarceration. The Task Force consists of 21 members appointed by Gov. Whitmer and is chaired by Lt. Gov. Garlin Gilchrist and Chief Justice Bridget McCormack. The Task Force released a list of 18 legislative action items in January of this year to reform Michigan's county jails. Included in the first wave of those recommendations includes eliminating jail mandatory minimums.

Of the bills discussed this week, HB 5855, sponsored by Rep. Tommy Brann (R-Wyoming), would **amend the Revised School Code to eliminate the mandatory minimum sentence for a parent or other person in parental relation who fails to comply with Part 24 (Compulsory School Attendance).** The bill would also eliminate the mandatory minimum jail sentences for the second or subsequent offense of using or attempting to use a teaching certificate, school administrator's

certificate, or state board approval knowing that it is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged; or using or attempting to use a teaching certificate that was issued to another person.

In addition, the mandatory minimum sentence would be eliminated for the second or subsequent offense of using or attempting to use a college or university transcript or a certificate or other credential knowing that is fraudulently obtained, altered, or forged, or using or attempting to use a transcript or credential knowing that it is another person's.

The bill sponsors indicated that they are currently working on an amendment to the bill package discussed on Wednesday that would require offenders to participate in a treatment court to qualify under the bills.

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## **House and Senate COVID Liability Bills**

The House and Senate have introduced complimentary bills addressing civil liability for employers related to COVID. There are several pieces of legislation related to this issue, but HB 6031, HB 6101, and SB 1023 are the ones that would impact school employees. The House Judiciary and Senate Economic and Small Business Development both had hearings this week to hear testimony on their respective bills.

**The legislation would add two new sections to the Michigan Occupational Safety and Health Act (MIOSHA) to establish conditions for immunity from civil liability for an employer (including school districts) whose employee is exposed to COVID-19.** HB 6031 would add substantive provisions, and HB 6101 would add definitions for terms used in those provisions. The immunity provided by the bills would apply retroactively to a COVID-19 exposure occurring after January 1, 2020. During committee, stakeholders testified that 19 other states had passed COVID-19 liability legislation.

**Gov. Whitmer has repeatedly vetoed legislation dealing with this issue in other sectors of the economy, so if these bills pass, we are not certain they'd become law.**

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## House Comms and Tech Explores Broadband Equipment Expansion

The Chairwoman of the House Communications and Technology Committee, Rep. Michele Hoitegna (R-Manton), introduced a bill to **expand broadband access in rural or underserved parts of Michigan**. HB 4288 would create the Michigan Broadband and Expansion Act to establish a statewide grant program to expand broadband service.

Essentially, this bill would codify the Connecting Michigan Communities (CMIC) program into statute. This program was a product of the 2018 lame duck session when the legislature allocated a one-time \$20 million grant program meant to expand broadband across the state by extending out from already existing infrastructure. There are currently 14 communities recommended to receive a grant from the \$20 million appropriation, with final award decisions due in September 2020. The bill uses and expands upon the boilerplate language from that 2018 legislation.

HB 4288 would establish the grant program in the Michigan Department of Technology, Management, and Budget (DTMB). The department would establish, implement, and manage a statewide program – and the bill outlines the grant, application, and award process. The bill defines an underserved area as “either a census block without at least one provider providing broadband service or, as established as part the application process, a delineated area within a census block without at least one provider providing broadband service.”

Internet access has been a hot topic for a long time but has really taken front burner status since March. We are glad to see something being done to try and expand broadband access for Michiganders but would like to see a program that includes school districts.

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## Senate Health Policy Committee Reports "Save Our Students Act"

On Thursday, the Senate Health and Human Services Committee reported HB 5482, **legislation that would require schools with student IDs for pupils in grades 6-12 to include a local, state, or national suicide prevention hotline telephone number on the card.** The bill is sponsored by Rep. Andrea Schroeder (R-Independence Township) and was introduced to provide an additional resource for students coping with depression and thoughts of suicide. Under the current version of the bill, this change would be in effect one year after the bill's passage. Districts would be able to select the number that is printed on the card. It can be a local, state, or national hotline telephone number, as long as services are available 24 hours a day, seven days a week.

The bill would also require the Department of Health and Human Services to develop or adopt model materials regarding suicide, depression, anxiety, and suicide prevention services that would be provided to districts, intermediate school districts and charter schools upon request.

During committee, an S-1 version of the bill was adopted to correct a drafting error related to the definition of public schools. The bill now is on its way to the Senate Floor.

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## **ICYMI: MDE Updates**

### **MEMO #081-20**

*Nominations for the 2020 RISE Award and 2020-21 Education Support Staff Professional of the Year Award*

The Michigan Department of Education (MDE) is accepting nominations of outstanding educational support staff members for two state Education Support Staff Professional of the Year Awards. As designated in the federal process, Governor Gretchen Whitmer will also forward the two awardees to the U.S. Department of Education as Michigan's nominees for the Recognizing Inspirational School Employees (RISE) Award. [Read the full memo.](#)

**MEMO #082-20***In-Demand Occupations*

The purpose of this correspondence is to provide you with the most recent analysis of in-demand occupations in the state and in your region. This information is submitted in accordance with Section 1278 of Public Act 451 of 1976, as amended. [Read the full memo.](#)

**MEMO #083-20***Getting Started Workshop for New Early Middle Colleges*

MDE, in partnership with the Michigan Early Middle College Association (MEMCA), is offering a full day Early Middle College (EMC) Getting Started Workshop for those districts and public-school academies that are interested in opening a new Early Middle College. The virtual event will be held on Friday, October 23, 2020. [Read the full memo.](#)

