

AUGUST 7, 2020

SPECIAL ALERT

Official newsletter of Khoury Johnson Leavitt



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KJL SPECIAL ALERT

The Khoury Johnson and Leavitt team remain informed and engaged during these times of uncertainty. We are in communication with leadership in the executive, legislative and judiciary branches of state government, in addition to locals on a regular basis. Updates will continue every Friday as a mechanism to recap relevant activity from the past week.

Consensus Revenue Estimating Conference

A CREC will be held on Monday, August 24. The Conference will be broadcast on the internet in order to be consistent with social distancing recommendations and to ensure the meeting of the Conference is open to the public. Christopher Harkins, Director of the Senate Fiscal Agency, will serve as chair of the Conference. The other Conference participants include Mary Ann Cleary, Director of the House Fiscal Agency, and a representative from the administration, which by law, can be either the State Budget Director or the State Treasurer. In addition to a joint presentation on State Government revenue estimates by economists from the Senate Fiscal Agency, House Fiscal Agency, and the Department of Treasury; Gabriel Ehrlich and Daniil Manaenkov, economists with the Research Seminar in Quantitative Economics at the University of Michigan, will make a presentation on the economic outlook for the United States and Michigan. The August conference also will include revised forecasts from the Fiscal Agencies and the State Budget Office for Medicaid and Human Services caseloads and expenditures.

Attorney General Nessel to Enforce Whitmer's Nursing Home Order with Fines and/or Imprisonment

Michigan Attorney Dana Nessel announced Thursday her office will conduct investigations as well as enforcement and prosecutions of long-term facilities in violation of Gov. Gretchen Whitmer's Executive Order 2020-148. Willful violations of the governor's order will be prosecuted as misdemeanor offenses, and result in either a \$500 fine and/or 90 days in jail. Michigan contains more than 4,900 long-term care facilities in which the order is applicable. The order requires the facilities to cancel communal dining and group activities, implement disinfection and sanitation regimens, provide personal equipment to employees, inform employees of a COVID-19 positive patient, and report presumed positive cases and additional data to their local health departments and the MDHHS. According to the attorney general's press release, more than 2,000 Michigan long-term care residents have died; 7,800 residents have tested positive for COVID-19; 22 facility employees have died; and more than 3,700 employees have been infected.

Governor Declares Racism A Public Health Crisis

Gov. Gretchen Whitmer on Wednesday recognized racism is a public health crisis and signed an executive order creating a new Black Leadership Advisory Council. The Council's mission will be to develop, review and recommend policies that combat discrimination and inequity. Governor Whitmer said in her press conference that her directive on the public health crisis tells the Michigan Department of Health and Human Services to review data, plan policies and advocate for communities of color. People of color are disproportionately affected by numerous health problems ranging from maternal and infant mortality to diabetes to COVID-19. MDHHS is expanding the application of an equity impact assessment, which is a decision-making tool. The assessment will allow leaders to consider policies that may be unintentionally inequitable because they are historically embedded within the system. That tool will be used within MDHHS and then rolled out to other agencies.

Governor Mask at Daycare Centers and Camps

A new executive order signed Thursday will require face masks in all child-care centers and camps. The order includes various requirements based on age and place. For staff and kids ages 12 and up, face coverings are required when in classrooms, homes, cabins or similar indoor small-group settings. Staff and kids ages 2 and up are required to have masks on while riding school buses or other transportation, and staff and children ages 4 and up are required to wear a face covering in all indoor common spaces. It's strongly encouraged that children 2 and up have masks on in indoor spaces. Child-care centers located in a region that is in Phase 5 of the MI Safe Start Plan are not required to wear masks, but it's still strongly recommended. Face coverings are also not required for children who are medically intolerant, under the age of 2, taking part in high-intensity activities, socially distanced outdoors or eating.

ELECTION UPDATE

Michigan's August primary election saw a record number of absentee voters and results from some close races trickled in on Wednesday. After Secretary of State Jocelyn Benson sent absentee ballot applications to registered voters across the state, over 2 million ballots were issued. Approximately 1.6 million of those ballots were returned but due to current state law, could not be processed until the day of the election. The increase in absentee voting was attributed to both the COVID-19 pandemic and the voting reforms passed by state wide ballot initiative that allowed for anyone to apply for an absentee ballot without reason.

In the 3rd and 10th Congressional districts, Peter Meijer (Grand Rapids) and Lisa McLain (Livonia) won the nominations in these GOP leaning seats. Both outspent and beat sitting state Reps, Lynn Afendoulis (Grand Rapids) and Shane Hernandez (Macomb) respectively. In a surprising close race, Democratic State Rep. Jon Hoadley (Kalamazoo) narrowly beat unknown candidate Jen Richardson (Kalamazoo) after a late surge of absentee ballots put him over the top in the 6th Congressional district. Hoadley will face Rep. Fred Upton (St.Joe) in November. Former TV anchor Paul Junge (Brighton) won a competitive GOP primary in the 8th Congressional and will challenge Rep. Elissa Slotkin (Holly). Eric Eshaki (Oakland) will challenge Rep. Haley Stevens (Oakland) in 11th District. All other Michigan Congress members survived relatively easy primary challengers. John James (Oakland) was also officially confirmed as the Republican to challenge U.S. Senator Gary Peters (Bloomfield Hills) this fall.

As for State House campaigns, every current State House Representative who had an opponent survived their primary challenge. Notably, this is the last year under the current legislative district boundaries with 2022 districts being drawn by the state independent redistricting commission. Republicans currently hold a 58-51 seat advantage in the House with Democrats looking to build momentum for November with the divisive President at the top of the ticket.

In competitive House seats, Republican Martha Ptashnik (Livonia) beat Penny Crider (Livonia) to face Rep. Laurie Pohutsky (Livonia) in November. In the 71st, Gina Johnson (Eaton County) beat the 2018 GOP candidate Christine Barnes (Eaton County) and will square off against Rep. Angel Witwer (Eaton County). In the two open Oakland county seats, Republican Chase Turner (Oakland) will face Democrat Kelly Breen (Oakland) in the 38th with Republican Mark Tisdale (Rochester Hills) going against Barb Anness (Rochester Hills) in the 45th. In the 108th, Republican John Roth (Grand Traverse) and Democrat Dan O'Neil (Grand Traverse) will vie for the seat being vacated by Rep. Larry Inman.

In the Detroit area, Democratic Reps. Joe Tate (Wayne) (2nd), Cynthia Johnson (Detroit) (5th), and Karen Whitsett (Detroit) (9th) were all considered vulnerable but all won handily. Former gubernatorial candidate, Shri Thanedar (, is likely on his way to Lansing after winning the heavily Democratic 3rd district primary. Abraham Aiyash (, a former staffer to the late Rep. Isaac Robinson, won the remaining partial term and full term primary for the 4th district.

In other districts where the primary will likely determine the winner of the November election Republicans Andrew Fink (Ann Arbor) (58th), Patrick Outman (Six Lakes) (70th), John Damoose (Harbor Springs) (107th), Bob Bezotte (Handy Twp.)(47th), and Bryan Posthumous (Kent County) (73rd) all won in crowded fields. Democrats Richard Steenland (Roseville) (22nd), Regina Weiss (Oak Park) (27th), Samatha Steckloff (Farmington Hills) (37th), Felicia Brabec (Washtenaw County) (55th), and Julie Rogers (Kalamazoo) (60th) prevailed in their respective races and will likely win election in the fall.

For more information on any candidate or race, please contact KJL.

Clients in the News

Chaldean center expands in Sterling Heights as community grows

<https://www.freep.com/story/news/local/michigan/2020/08/01/chaldean-community-foundation-sterling-heights/5546424002/>

Tribe, Lume Cannabis Co. enter historic partnership

<https://www.saulttribe.com/images/downloads/newsroom/sault%20tribe%20newspaper/2020/07-29-20%20V41N7.pdf>

EXECUTIVE ORDERS:

- [Executive Order 2020-161:](#)
 - Safeguards to protect Michigan's workers from COVID-19
- [Executive Order 2020-162:](#)
 - Amendment to Executive Order 2020-160
- [Executive Order 2020-163:](#)
 - Black Leadership Advisory Council



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INSTAGRAM: @KJLFIRM

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ADDITIONAL RESOURCES

www.michigan.gov/coronavirus.com

www.michigan.gov/ag

www.cdc.gov/coronavirus.com

www.congress.gov.com

www.michiganbusiness.org

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