

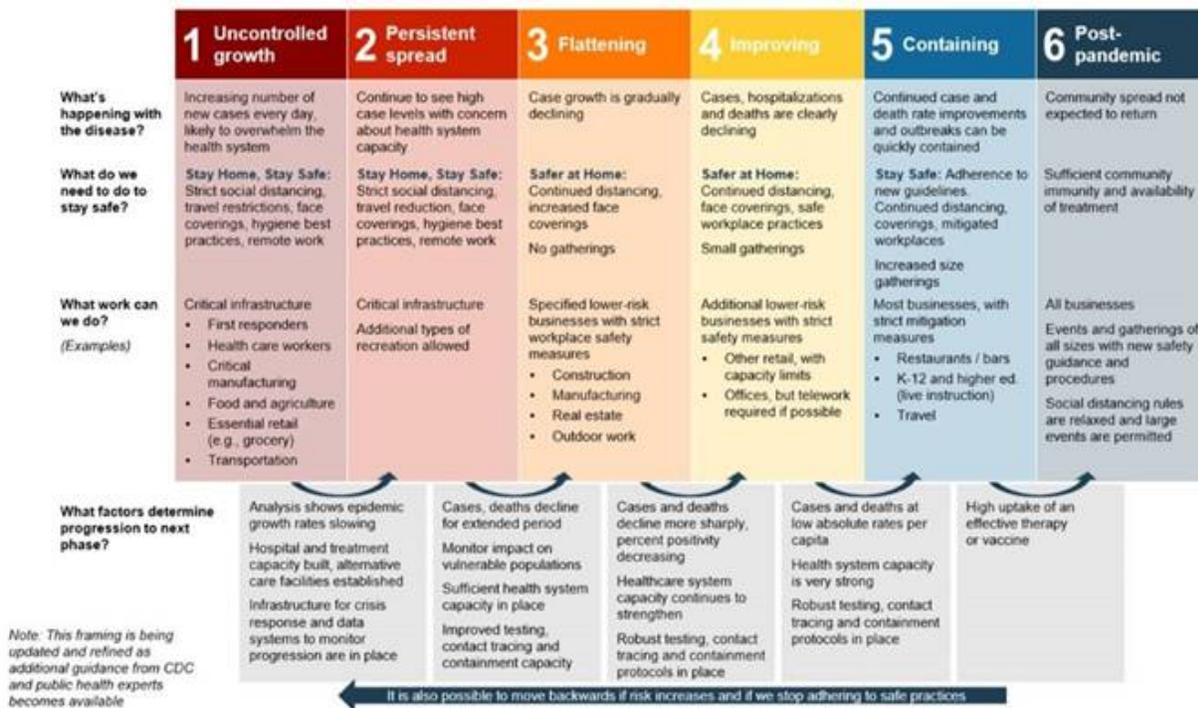
The Khoury Johnson and Leavitt team remain informed and engaged during these times of uncertainty. We are in communication with leadership in the executive, legislative and judiciary branches of state government, in addition to locals on a regular basis. Updates will continue every Friday as a mechanism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

Governor Whitmer Outlines 6 Phase MI Safe Start Plan

Governor Whitmer has signed [Executive Order 2020-77](#) extending Michigan's Stay Home, Stay Safe order to May 28. The Order also will allow manufacturing workers, including those at Michigan's Big 3 auto companies, to resume work on Monday, May 11 as part of her MI Safe Start Plan. These businesses will have to follow strict safety measures such as social distancing, reducing occupancy where possible, employee screening such as taking temperatures, sanitizing work/high touch spaces and wearing face coverings.

The Governor also outlined the 6 phases of her [MI Safe Start Plan](#), which she developed with leaders in health care, business, labor and education. During a press conference announcing the extension of the Order and the opening of manufacturing, the Governor reiterated that they will closely monitor case numbers as they phase in their MI Safe Start Plan.

The Plan also divides Michigan into 8 regions based on criteria related to predominant economic sectors within the region and employee patterns such as commuting. The Governor indicated during her latest press conference that future phasing in of business reopening could be regionally



based.

Three Lawsuits Filed Against Governor EOs

This week three separate lawsuits have been filed challenging the Governor's emergency power authority. U.S. Rep. Paul Mitchell (R-Dryden) filed the first lawsuit in U.S. District Court, Western District of Michigan. In his suit, Rep. Mitchell claims the Governor's actions violate the U.S. Constitution's Guarantee Clause, Privileges or Immunities Clause, the Due Process Clause, the Equal Protection Clause and Michigan law. Further, he asks the judge to rule that the Emergency Powers of the Governor Act violates the Separation of Powers Clause because it vests governors with total legislative power whenever a governor declares an emergency.

On Wednesday the legislature filed a lawsuit in the Court of Claims to challenge the Governor's authority in issuing the declaration of emergency orders without legislative approval for the extension. The leaders stated they have asked for an expediated ruling from the court. In announcing the lawsuit, Speaker Chatfield stated he believes the Governor's interpretation of the 1945 law in granting the Governor authority to issue a state of emergency or disaster is unconstitutional and will seek a court remedy. If a court fails to remedy the issue in a manner that is satisfactory to the legislature, Sen. Shirkey expressed support for a voter-initiated repeal of the 1945 law.

Finally, the Great Lakes Justice Center (GLJC), on behalf of a number of Michigan churches and individuals, filed a federal civil rights lawsuit in Grand Rapids against the Governor. The suit challenges the Governor's EO's issued since April 30, alleging:

1. Violation of Plaintiffs' First Amendment right to Free Exercise of Religion.
2. Violation of Plaintiffs' First Amendment right to Free Expression and Association.
3. Violation of Plaintiffs' Constitutional Due Process Rights.
4. Violation of the Constitutional requirement for Separation of Powers.
5. Violation of the Constitutional Guarantee of a republican form of government.
6. The Michigan Emergency Powers laws are unconstitutional.

Update from State Chief Medical Executive

Dr. Joneigh Khaldun, Chief Medical Executive, provided an update regarding the state's response and next steps in mitigating the effects of COVID-19 to our clients and staff. During her discussion she outlined some of the criteria that are leading the decisions within the Administration such as hospital capacity, number of cases as well as testing availability. Dr. Khaldun has been pleased with the flattening of the curve as the number of new cases has been consistently on the decline. She is optimistic in our progress as well as what is happening in the development of vaccines.

Dr. Khaldun stated the immediate public health strategies being implemented include testing availability and contact tracing. The Administrations' goal for testing is 15,000 test per day and they are confident that they will meet this goal very soon. Contact tracing for positive cases to determine an individuals' past interactions to further mitigate exposure to control possible outbreaks will also need to be a part of the strategy to continue to move towards further public engagement.

Legislature Returns with Limited Schedule

This week the Legislature returned to their regular session schedule with limited agenda items and committee action. The House held three committee hearings; Appropriations, Ways and Means and Judiciary and implemented new health and safety measures as they return to business. The committee rooms have been arranged to adhere to social distancing requirements, masks were worn by legislators and visitors and the occupancy of the committee rooms was kept to a maximum of 25 percent. The House is also allowing the Zoom app to be utilized for individuals wishing to testify as well as broadcasting the hearings for public viewing.

The Senate did not hold committee hearings but did pass two bills, one bill COVID-19 related (SB 899, Sen. Michael MacDonald, R-Macomb) that provides civil and criminal immunity to health care workers during a state of emergency. In the next few weeks the Senate will likely focus on issues related to COVID-19. In speaking to some committee chairs, they are hopeful that committee action will return to 'normal' by the end of May.

Budget Discussions Look Bleak Heading into Revenue Estimating Conference

The Revenue Estimating Conference will be held May 15 and all budget discussions of late are centered around the drastic spending reductions that will have to happen for the current fiscal year as well as the next to address a possible \$3 billion shortfall. K-12 School Aid Senate Appropriations Subcommittee Chair, Sen. Wayne Schmidt (R-Traverse City) was quoted earlier this week saying cuts to the school aid foundation allowance will be a last resort but will happen. Members of the Senate appropriations subcommittees have been asked to prepare contingency budgets that range from 10% to 30% in funding reductions for the FY 2020-21 fiscal year.

After the revenue conference on May 15, it is expected that Governor Whitmer will issue Executive Order budget reductions that the House and Senate Appropriations committees will vote up or down.

EXECUTIVE ORDERS THIS WEEK INCLUDE:

[EO 2020-72](#) - Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities - Rescission of Executive Order 2020-37

[EO 2020-73](#) - Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons - Rescission of Executive Order 2020-40

[Frequently Asked Questions](#)

[EO 2020-74](#) - Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic - Rescission of Executive Order 2020-41

[EO 2020-75](#) - Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards - Rescission of Executive Order 2020-48

[Frequently Asked Questions](#)

[EO 2020-76](#) - Temporary expansions in unemployment eligibility and cost-sharing - Rescission of Executive Order 2020-57

[EO 2020-77](#) - Temporary requirement to suspend certain activities that are not necessary to sustain or protect life - Rescission of Executive Order 2020-70

[Frequently Asked Questions](#)

CLIENTS IN THE NEWS

DaVita

5/2/2020 DaVita has developed a comprehensive COVID-19 education for dialysis patients, one of the most at-risk populations, to help empower and keep patients safe during these uncertain times.

5/5/2020 DaVita has DaVita Venture Group to accelerate DaVita's efforts to develop and deploy solutions that are designed to improve the health and quality of life for people with kidney disease and other chronic conditions.

The Food Bank Council of Michigan

5/7/2020 The Food Bank Council of Michigan has partnered up with Meijer and the State Emergency Operations Center to help feed a growing number of residents turning towards food banks during the COVID-19 crisis.

KJL COVID RESOURCE TAB

A COVID 19 resource tab has been added to our website www.kjlteam.com. We will continue to update that tab with information relevant to our clients. Also, if you haven't already, please follow us on Facebook and Instagram for daily information.

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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