

STATE OF MICHIGAN
IN THE SUPREME COURT

In re CERTIFIED QUESTIONS FROM THE
UNITED STATES DISTRICT COURT, WESTERN
DISTRICT OF MICHIGAN, SOUTHERN DIVISION

MIDWEST INSTITUTE OF HEALTH PLLC,
d/b/a GRANT HEALTH PARTNERS, et al.,

Supreme Court No. 161492
USDC-WD: 1: 20-cv-414

Plaintiffs,

v.

GOVERNOR WHITMER, et al.,

Defendants.

**MOTION OF ATTORNEY KATHERINE HENRY
FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

Attorney Katherine Henry, a nonparty to this action, pursuant to MCR 7.311 and MCR 7.312(H), files this motion seeking leave to file a brief *amicus curiae* with regard to this matter. In support, Attorney Katherine Henry states the following:

1. Attorney Katherine Henry submits this motion and proposed brief pursuant to IOP 7.312H and 7.311A(3) which both encourage the filing of amicus briefs.
2. This matter is before this Court on a Certified Question from the US District Court, Western District of Michigan.
3. While Attorney Katherine Henry generally agrees with the position stated by Plaintiffs, several key relevant legal points have not yet been placed in front of the court, and being an officer of the court, and having sworn an oath to support the US

and Michigan Constitutions, Katherine Henry has a duty to bring these legal matters to the attention of this court.

4. Given the unique nature of the legal backdrop of this case, and the coinciding case brought by the Legislature against the Governor, the voice of the people remains largely unheard. Attorney Katherine Henry has been communicating daily with thousands of Michiganders for the last four months, explaining the legal aspects of what is happening in our state and answering questions for Michiganders in this uncertain time; therefore, she is uniquely positioned to provide a voice for the people of the State of Michigan, and requests oral argument pursuant to MCR 7.312(H)(5).
5. Attorney Katherine Henry has been listening/watching the oral argument presentations in the various cases generally involving the same parties and the same issues. Oral argument is certainly no easy task, and the attorneys of record have done a great job in representing their clients' interests. However, given how these attorneys are confined to arguments beneficial to that particular client, there are several key legal elements that have evaded proper oral argument dedication.
6. Attorney Katherine Henry sought concurrence from the parties before the filing of this motion. Attorneys for Plaintiffs indicated no objection to the filing of this motion. Attorneys for Defendants were unable to be reached by phone. However, a similar type of *Amicus Curiae* brief was filed in this case earlier this week, and none of the parties objected to that *Amicus Curiae* submission, to the best of my knowledge.

Therefore, Attorney Katherine Henry respectfully requests that this Court grant this motion and accept for filing the proposed brief *Amicus Curiae* being tendered with this

motion. Attorney Katherine Henry, recognizing the limited circumstances in which oral argument is permitted for an *Amicus Curiae* under MCR 7.312(H)(5), also requests this court to allow her time for oral argument in this matter in order to allow a full exploration of all issues relevant to resolving these legal matters that directly impact the 10 million people in Michigan.

Dated: August 5, 2020

Respectfully submitted,

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Plaintiffs,

v.

GOVERNOR WHITMER, et al.,

Defendants.

**BRIEF *AMICUS CURIAE* IN DEFENSE OF THE US CONSTITUTION, THE MICHIGAN
CONSTITUTION, AND THE RIGHTS OF ALL CITIZENS**

**ORAL ARGUMENT REQUESTED
(CONTINGENT UPON COURT PERMISSION UNDER MCR 7.312(H)(5))**

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Respectfully Submitted: August 5, 2020

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QUESTIONS ADDRESSED

- I. Whether, under the Emergency Powers of Governor Act, MCL § 10.31, *et seq.*, or the Emergency Management Act, MCL § 30.401, *et seq.*, Governor Whitmer has the authority after April 30, 2020 to issue or renew any executive orders related to the COVID19 pandemic.

Plaintiff's Answer:	NO
Defendant's Answer:	YES
Legislature's Answer:	NO
<i>Amicus Curiae's</i> Answer:	NO

- II. Whether the Emergency Powers of Governor Act and/or the Emergency Management Act violates the Separation of Powers and/or the Non-Delegation Clauses of the Michigan Constitution.

Plaintiff's Answer:	YES
Defendant's Answer:	NO
Legislature's Answer:	YES
<i>Amicus Curiae's</i> Answer:	YES

INTRODUCTION AND STATEMENT OF INTEREST¹

¹ Pursuant to MCR 7.312(H)(4), Amicus Curiae states that neither counsel for a party authored this brief in whole or in part, nor did such counsel or a party make a monetary contribution intended to fund the preparation or submission of this brief.

These are confusing times. Never before have we had a governor shut down literally every aspect of our lives. The people of Michigan are confused, angry, and needing answers. And why shouldn't they be? Our courts have developed a "vast body of law"² unknown to the founding fathers and almost entirely outside of the scope of the language of our state and federal constitutions, which are supposed to be the supreme law of the land. Our legislature has enacted statutes which usurp the rights clearly guaranteed to us in the state and federal constitutions. Our governor, deciding those usurpations do not extend far enough, has both attempted to absorb the lawmaking powers of the legislature and complete the disenfranchisement of the people by denying that the people, in any individual or collective capacities, should have any legal standing to seek judicial remedy for her constitutional and statutory violations.

As both an attorney and a local public official, I have sworn an oath to uphold the Constitution of the United States several times. I was first licensed to practice law in the State of Minnesota. Upon moving in 2008, I became licensed to practice law in the State of Michigan, followed by the Eastern District of Michigan Federal District Court, the Saginaw Chippewa Tribal Court, the Western District of Michigan Federal District Court, and finally in the United States Supreme Court. With the exception of my admission to the Saginaw Chippewa Tribal Court, each of those admission ceremonies required me to swear to uphold and support the Constitution of the United States. Being an attorney licensed in the State of Michigan, I also swore an oath to uphold the Constitution of the State of Michigan. Additionally, I have served on a local downtown

² *Home Building v Blaisdell*, 290 US 398, 443 (1934).

development authority and local planning commission, as a precinct delegate, and now as the republican nominee for township trustee. To serve in these roles, I swore an oath to uphold the US Constitution and the Michigan Constitution. I take each of these oaths very seriously. Furthermore, in addition to bestowing upon me unalienable rights, such as life, liberty and the pursuit of happiness, God also gave me the gift of oral argument, legal research and writing, and a passion for serving others. Being given these great gifts, it is my duty to use them for the public good. Accordingly, I submit this brief in defense of the United States Constitution, the Michigan Constitution, and the rights of all of my fellow citizens.

ARGUMENT

Everyone across the state, including the named parties, is debating the Governor's use of emergency powers which have now lasted for over 21 weeks. However,

The question is not whether the constitution ought to have permitted the exercise of this power; but whether, by a fair construction of the language of the instrument, as framed by the convention, and understood and adopted by the people, the power in question has been prohibited. Our province is not to make or modify the constitution, according to our views of justice or expediency, but to ascertain, as far as we are able, the true intent and purpose of the constitution which the people have deemed it just and expedient to adopt. This we, in common with the people and all departments of the government, are bound to obey in all its provisions, however unwise in our opinion they may be, so long as it remains in force. . . . It can never be wise or expedient for the judiciary, however pressing the exigency may appear, to disregard the plain principles of the organic law which the people, in their sovereign capacity, have seen fit to adopt as the great landmarks for the ascertainment and security of public and private rights. The duty, therefore, of the courts of final resort, to declare an act of the legislature [or executive] unconstitutional and void, when it plainly conflicts with the constitution, is clear and imperative.³

³ *Twitchell v Blodgett*, 13 Mich 127, 149-50 (1865).

Thus, *amicus curiae* requests this court to immediately consider these certified questions from the federal district court, and immediately declare the unconstitutional acts of our government void (including, but not necessarily limited to, the enactment of the EPGA and the EMA, and the Governor's 2020 use of EOs.).

I. Standard of review

Despite the volumes of pleadings in this case, 161377, and 161333, all claims and arguments set forth by the Legislature, the Governor, and other parties revolve around the emergency powers of the governor, both in terms of the constitutionality of the powers themselves and the legality of the 2020 executive orders under the applicable state statutes. Indeed, the certified questions of this case seek to address these very issues.

This court presumes that government action is constitutional and the party challenging the validity of the action has the burden of proving a constitutional violation.⁴ An essential element of constitutional analysis, then, is the relationship between the US Constitution and the Michigan Constitution, and between the US and Michigan Constitutions and state statutes. The US Constitution “and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”⁵ Thus, any “law repugnant to the constitution is void, and . . . courts, as well as other departments, are bound by [the US Constitution].”⁶

But in our zeal to eloquently describe the complex jurisprudence that culminates in the applicable “standard of review,” we often forget that although “interpret[ation] and appl[ication]

⁴ *People v. Rapp*, 492 Mich 67, 72 (2012).

⁵ US Const, art VI.

⁶ *Marbury v Madison*, 5 US 137, 180 (1803).

of] the pertinent provisions of our Constitution” is this court’s “most solemn responsibility,”⁷ a plain reading of the text itself often provides the answer without much debate or interpretation.⁸ Indeed, “to read the law consistently with its language, rather than with its judicial gloss, is not to be ‘harsh’ or ‘crabbed’ or ‘Dickensian,’ but is to give the people at least a fighting chance to comprehend the rules by which they are governed.”⁹ And although courts have, from time to time, argued against the fact that “the Constitution meant at the time of its adoption [what] it means today . . . [and] the great clauses of the Constitution must be confined to the interpretation which the framers, with the conditions and outlook of their time, would have placed upon them,”¹⁰ it remains no less true. For

While men may not always agree in their opinions, there can be but one true meaning to any constitutional provision, and it is the duty of a court to determine, upon its own responsibility, what that true meaning is . . . using all accessible means of enlightenment. The meaning of our constitution was fixed when it was adopted, and the question which is now before us is not different from what it would have been had the constitution been recently adopted. These charters of government are adopted by the people for their own guidance, as well as for the guidance of the governments which they establish. They are designed to provide for contingencies not foreseen as well as those which are foreseen. It usually happens that their founders are more provident than they themselves imagined at the time of their action.¹¹

That the constitution means nothing now that it did not mean when it was adopted, I regard as true beyond doubt. But it must be regarded as meant to apply to the present state of things as well as to all other past or future circumstances. . . . The rules of law are supposed to be permanent¹²

[A] state constitution . . . proceeds from the people in their original capacity, as the source of all power in the government. Their will being the supreme law,

⁷ *Citizens Protecting Michigan’s Constitution v Secretary of State*, 503 Mich 42, 54 (2018).

⁸ Cf. *Id.* at n. 63, criticising the Chief Justice’s dissent for looking at what cases in general have said about the relevant constitutional terms, instead engaging in a direct examination of the text of the Constitution itself. The majority opinion also criticizes prior constitutional analysis by this court that “did not review the text of the Constitution . . . instead [creating a judicial gloss appearing] more like a spray-on tan. If it is bad to depart from the plain language of our Constitution on the basis of a judicial gloss that is binding precedent, how much worse it must be to do so on the basis of the spotty and inapposite authority the dissent relies upon in this case.” Internal citations omitted.

⁹ *Id.* (cleaned up).

¹⁰ *Home Building v Blaisdell*, 290 US 398, 442-443 (1934).

¹¹ *Twitchell v Blodgett*, 13 Mich 127, 138 (1865).

¹² *Id.* at 140.

and only to be found in the constitution which they ordain, must be fairly and cheerfully enforced according to its terms, and no attempt should be made to evade or defeat it. . . . [I]ts language must receive such a construction as is most consistent with plain, common sense, unaffected by any passing excitement or prejudice.¹³

As the constitution derives its force from its adoption by the people, we should, in its construction, seek only for the sense in which it was understood by them.¹⁴

II. Governor Whitmer far exceeded the scope of her statutory authority

A. In Pari Materia

In 20-00079-MZ, the Court of Claims ruled that “the Governor possesses similar, but different, authority under the EPGA than she does under the EMA.” However, that is entirely inconsistent with all acceptable methods of statutory interpretation. “Statutes that relate to the same subject matter or share a common purpose are *in pari materia* and must be read together as one law . . . to effectuate the legislative purpose as found in harmonious statutes.”¹⁵ “If two statutes lend themselves to a construction that avoids conflict, that construction should control.”¹⁶ “When two statutes are *in pari materia* but conflict with one another on a particular issue, the more specific statute must control over the more general statute.”¹⁷ “[T]he rules of statutory construction also provide that a more recently enacted law has precedence over the older statute.”¹⁸ More specifically, “where two laws in *pari materia* are in irreconcilable conflict, the one last enacted will control or be regarded as an *exception*

¹³ *Id.* at 141-142.

¹⁴ *Id.* at 154. Further, in matters of constitutional interpretation, this court uses dictionaries from the period of time in which the Constitution was adopted, as thoroughly discussed in *Citizens* at n. 64 and 65. This court also noted “that if doubt remains as to the meaning of a constitutional provision, courts can use anything else that might provide an historical context.” *Id.* at n. 184, internal citations omitted.

¹⁵ *Parise v Detroit Entertainment*, 295 Mich App 25, 27 (2011), citing *In re Project Cost & Special Assessment Roll for Chappel Dam*, 282 Mich App 142, 148 (2009). See also, *Donkers v Kovach*, 745 NW2d 154, 157 (2007), citing *Aspey v Mem. Hosp.*, 477 Mich 120, 129 n. 4 (2007).

¹⁶ *Parise* at 27. See also, *People v. Hall*, 499 Mich 446, 454 (2016), citing *People v Webb*, 458 Mich 265, 274 (1998).

¹⁷ *Parise* at 27-28, citing *Donkers v Kovach*, 277 Mich App 366, 371 (2007). See also, *People v Buehler*, 477 Mich 18, 26 (2007).

¹⁸ *Parise* at 28, citing *Travelers Ins. v U-Haul of Mich.*, 235 Mich App 273, 280 (1999).

to or qualification of the prior statute.”¹⁹ Moreover, “when one statute is both the more specific and the more recent,”²⁰ it will be found particularly controlling.

The Governor has referenced both the Emergency Powers of Governor Act (EPGA) of 1945 and the Emergency Management Act (EMA) of 1976 as sources of authority for her Executive Orders (EOs), making clear how undisputed it is that these two Acts relate to the same subject matter, and are thus *in pari materia*. Additionally, we can’t ignore the context of each Act - the EPGA is found in chapter 10 of our state statutes, the chapter on identifying the governor’s powers and responsibilities; the EMA is found in chapter 30, covering topics of Civilian Defense in specificity. In viewing the two Acts in context, it is revealed how powers of the governor, of varying sorts, find their original authority in chapter 10, while the corresponding statutes in other chapters, like chapter 30, provide the specifics and context for the exercise of such powers. Thus, they must be read together as one law, and must be read with a construction that avoids conflict between the two.

MCL 10.31 states that during

times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state, or reasonable apprehension of immediate danger of a public emergency of that kind, when public safety is imperiled . . . the governor may proclaim a state of emergency and designate the area involved. After making the proclamation or declaration, the governor may promulgate reasonable orders . . . necessary to protect life and property or to bring the emergency situation within the affected area under control.

Likewise, MCL 30.403 (3) requires the "governor shall, by executive order or proclamation, declare a state of disaster," or emergency per subsection (4), for a disaster or threat of disaster. Thus, in determining whether there is a construction of the two statutes that avoids conflict, we must turn to the point of contention between the legislature and the governor - the

¹⁹ *Metropolitan Life Ins v Stoll*, 276 Mich 637, 641 (1936), emphasis added.

²⁰ *Parise* at 28, citing *Travelers Ins. v U-Haul of Mich.*, 235 Mich App 273, 280 (1999).

issue of when the state of emergency must legally end. While MCL 10.31 states that the state of emergency "shall cease to be in effect upon declaration by the governor that the emergency no longer exists," MCL 30.403 requires that "[a]fter 28 days, the governor shall ... declar[e] the state of emergency terminated, unless" the legislature votes to extend it. Therefore, the state of emergency being issued on March 10, 2020, was set to expire as a matter of law on April 7, 2020 until the legislature voted to extend the state of emergency until April 30, 2020. However, the legislature did not vote to extend the state of emergency any further, thus necessitating its termination as a matter of law on April 30, 2020.

In denying this inevitable legal outcome, the Governor claims that the statutes are in conflict on this point because MCL 30.403 requires her to abide by the 28-day limitation while MCL 10.31 does not. However, in looking at the actual text of each statute, we see that MCL 30.403 imposes a 28-day limitation while MCL 10.31 is merely silent on the issue. Thus, the language of both laws reveals that MCL 30.403 is *not in conflict* with MCL 10.31, but rather *supplements* it. Therefore, they can, and must, be read together. But even if they were found to be in conflict, as MCL 30.403 is both the more recent and the more specific statute, it will control or be regarded as an exception to or qualification of the prior statute.

B. Reasonable statutory construction

In her May 4th letter to law enforcement agencies, Attorney General Nessel claims that in EO "2020-66, the Governor terminated the states of disaster and emergency that had been previously declared under EMA, and then, in [EO] 2020-68, reissued a declaration of states of disaster and emergency under the EMA."²¹ However, this clear attempt to circumvent the 28-day requirement does not comport with the notions of statutory construction and interpretation discussed above, or in preserving the separation of powers

²¹ Attorney General Nessel Letter May 4, 2020, App. 001c.

discussed below. Indeed, the language of the law is very clear. MCL 30.403 contemplates that emergency conditions may very well last beyond the initial 28-day period. The statute specifically says that the *only* way the governor can extend the state of emergency is if she makes a request to the legislature to extend it for a specific number of days *and* both houses of the legislature approve that extension. Moreover, "[s]tatutory language should be construed reasonably, keeping in mind the purpose of the act."²² Given the explicit 28-day time limit required, it is not reasonable to interpret MCL 30.403 to allow a governor to circumvent the 28-day time limit by simply issuing new orders that address the same emergency conditions of the original order.

Every governor we've had since the EMA was enacted understands the 28-day limitation only gets extended through the legislature. As Speaker Chatfield wrote on April 4, 2020,

Since 1977, there have been thirty-five [35] states of emergencies and fifty-two [52] states of disaster declared by the governor's office. In total, four [4] states of emergencies and six [6] states of disasters have been extended by the Legislature. None of these emergencies or disasters have been extended unilaterally by the governor, reflecting the twenty-eight day limit written into state law.²³

Additionally, the history of EOs paints a consistent picture.²⁴ Of the 605 EOs issued by Michigan Governors between 1993 and 2019, 25 of them were based on the governor's emergency powers.²⁵ In each of these 25 EOs, the EMA is listed as the sole statutory authority for the exercise of the emergency powers. In fact, only one of these orders even

²² *Winkler v Marist Fathers of Detroit, Inc.*, 321 Mich App 436, 446 (2017), citing *Twentieth Century Fox Home Entertainment, Inc. v Dep't of Treasury*, 270 Mich App 539, 544 (2006).

²³ Speaker of the House Lee Chatfield Letter to House Minority Leader, April 4, 2020, available at <https://www.newsradio.com/articles/press-release/read-letters-from-christine-greig-lee-chatfield>, last accessed June 2, 2020.

²⁴ All EOs from 1993 to the present are available at [http://www.legislature.mi.gov/\(S\(tt3o2vnbihwqvp1xgflvtuuu\)\)/mileg.aspx?page=ExecutiveOrders](http://www.legislature.mi.gov/(S(tt3o2vnbihwqvp1xgflvtuuu))/mileg.aspx?page=ExecutiveOrders), last accessed June 1, 2020.

²⁵ List of All EOs from 1993-2019, App. 002c. EOs based on EPGA or EMA from 1993-2019, App. 003c.

references the EPGA. Moreover, in all but one of them, the 28-day limit is expressly recognized (while the remaining one allows the emergency to last only so long as is needed to repair I-75). Of these EOs referencing the EMA as the only source of emergency power authority *and* expressly recognizing the 28-day limit, seven were written by Governor Whitmer herself. Yet, she now claims the EPGA provides “separate authority” for emergency powers, and that the 28-day limit does not apply to her emergency declarations. Thus, the historical context shows how the Governor’s position does not comply with the reasonable requirement of statutory construction.

C. MCL 30.417’s effect on MCL 10.31

Some argument has been made that the 28-day timeframe of MCL 30.403 does not apply to emergency powers exercised by a governor under MCL 10.31 due to the language in MCL 30.417(d). MCL 30.417 (part of the EMA) states that the EMA “shall not be construed to . . . limit, modify, or abridge the authority of the governor **to proclaim** a state of emergency pursuant to . . . 10.31” or exercise powers under other relevant laws. First, MCL 30.403 and MCL 10.31 clearly refer to the exact same kind of emergency conditions requiring extraordinary government action. Second, MCL 30.403 does not “limit, modify, or abridge the authority of the governor **to proclaim** a state of emergency.” In fact, MCL 30.403 bolsters the governor’s authority **to proclaim** a state of emergency by giving such proclamations full “force and effect of law,” while MCL 30.405 adds “additional powers of governor,” and MCL 30.402 (e) and (h) add additional circumstances which may qualify for exercise of these emergency powers.

However, it has been argued that MCL 30.417 (d) “has rendered the entire EMA basically an empty shell because it defers entirely to the coverage of the old law [MCL 10.31].” We must remember, though, that “[s]tatutory language should be construed

reasonably, keeping in mind the purpose of the act."²⁶ It is not reasonable to read MCL 30.417 (d) as rendering the entirety of the EMA "an empty shell deferring completely to the coverage of MCL 10.31." Further, no reasonable court would read MCL 30.417 to mean that the legislature enacted the EMA with the sole purpose of deferring to the EPGA.

Also, it is a long-accepted principle of statutory construction that "[s]tatutes which may appear to conflict are to be read together and reconciled, if possible."²⁷ Additionally, "[i]f statutes lend themselves to a construction that avoids conflict, that construction should control."²⁸ Moreover, a "statute must be interpreted in a manner that ensures that it works in harmony with the entire statutory scheme."²⁹ Thus, you cannot read MCL 30.417 (d) to say that all the other provisions of MCL 30.401 - 30.421 are "basically an empty shell [that] defers entirely to [MCL 10.31]." In other words, despite these absurd claims about MCL 30.417 (d), provisions of MCL 30.401 - 30.421 are still enforceable. After all, it is not reasonable to interpret the new law as saying it has zero force and effect and that it is simply reaffirming every provision of the old law.

III. The constitutional separation of powers unequivocally prohibits the governor from exercising legislative powers outside of mere departmental reorganization

Separation of powers has also been an issue identified with the Governor's use of her recent EOs. Separation of powers is more than just a mere term of art. In fact, our country was born out of an executive usurpation of legislative authority, namely the tyrannical "suspending [of] our own Legislatures, and declaring themselves invested with power to

²⁶ *Winkler v Marist Fathers of Detroit, Inc.*, 321 Mich App 436, 446 (2017), citing *Twentieth Century Fox Home Entertainment, Inc. v Dep't of Treasury*, 270 Mich App 539, 544 (2006).

²⁷ *People v Bewersdorf*, 438 Mich 55, 68 (1991).

²⁸ *Walters v Leech*, 279 Mich App 707 (2008), citing *House Speaker v State Admin Bd*, 441 Mich 547, 568-569 (1993).

²⁹ *Winkler v Marist Fathers of Detroit, Inc.*, 321 Mich App 436, 446 (2017), citing *Walters v Leech*, 279 Mich App 707, 710 (2008), and *Wayne Co. v Auditor General*, 250 Mich 227, 233 (1930).

legislate for us.”³⁰ Indeed, a constitution’s “most basic functions are to create the form and structure of government, define and limit the powers of government, and provide for the protection of rights and liberties.”³¹ A constitution “contains . . . every thing that relates to the complete organization of a civil government, and the principals on which it shall act, and by which it shall be bound.”³² With these interests in mind (organization and limits of government and the protection of rights and liberties), our state constitution was drafted with article III § 2, which not only distinctly separates the powers of government into three separate branches, but also specifically prohibits “any person exercising powers of one branch [from exercising] powers properly belonging to another branch except as expressly provided in this constitution.”

Therefore, although the pleadings filed so far in relevant cases have spent a lot of time analyzing the various kinds of delegation of power, we must remember that we are bound by the text of the Constitution itself. Thus, we need not look beyond the state constitution itself to see that the only authority of the governor to issue EOs exists in article V § 2, which involves the mere organization of the executive branch and the assignment of functions within the branch. The arguments offered by parties and lower courts seek to apply analysis regarding a *constitutional* delegation of legislative powers to the governor to a *statutory* delegation of legislative powers to the governor. In other words, the “very limited and specific legislative power” discussion of *Blue Cross* and other cases came out of analyzing the power delegated to the governor in Const 1963, art V, § 2. This power is constitutional because it is actually found *in the text of the constitution*. However, the judges and attorneys in these cases then inappropriately apply that analysis to the *statutory* delegation of legislative

³⁰ Declaration of Independence (1776).

³¹ *Citizens* at 80.

³² *Citizens* at n.90.

authority in the EPGA and EMA, which is *not* written in the text of the constitution, and, therefore, does not have the same basis for constitutionality.³³

In addition to the traditional separation of powers clause and the non-delegation clause, our state constitution further defines these distinct and separate powers in article IV § 1, article V § 1, and article VI § 1. Specifically, the “legislative power is the power to determine the interests of the public, to formulate legislative policy, and to create, alter, and repeal laws. The governor has no power to make laws. The executive branch may only apply the [public] policy”³⁴ determined by the legislature, and “cannot exercise legislative power by creating law or changing the laws enacted by the Legislature.”³⁵ Thus, a governor may not use EOs to create law or change laws enacted by the legislature, which is precisely the thing 153 out of the 162 2020 EOs aim to do.^{36 37}

But Governor Whitmer is not the only one to blame here for her unconstitutional use of EOs. The legislature “gave”³⁸ the Governor the power to issue EOs “having the force and

³³ See, *Soap and Detergent Assoc. v Natural Resources Comm’n*, 415 Mich 728, 752-753 (1982).

³⁴ *Taxpayers of Michigan Against Casinos v State of Michigan*, 471 Mich 306, 355 (2004).

³⁵ *In re Complaint of Rovas Against SBC Michigan*, 482 Mich 90, 98 (2008).

³⁶ By placing new rules and regulations upon individuals and businesses, and punishing them with various law enforcement tools (jail time, criminal fines, civil fines, and professional licensure revocation), the Governor is attempting to create laws. By setting aside provisions of a plethora of public acts, like the fire code (EO 2020-159), FOIA (EO 2020-38) and OMA (EO 2020-48), the Governor is attempting to change or rescind laws enacted by the legislature.

³⁷ Although *Amicus Primus* in MCA docket no. 353655 argues that “everyone agrees that the pandemic orders issued prior to April 30 were valid,” (p. 1-2) that is not only untrue, but also irrelevant. As Justices Markman, Zahra and Viviano explain (see pp. 18-19 of this brief), the unconstitutionality of the EOs has nothing to do with the date on which they were written, but rather with the manner in which they infringe upon the constitutional rights of Michiganders, and how they violate various constitutional provisions discussed in footnote 41. In other words, every EO that violates the footnote 41 restrictions or the rights of Michiganders was unconstitutional from the day each was written.

³⁸ When learning about property rights in law school, we are taught to think about property rights in terms of a bundle of sticks. I can only deed or devise to you the rights I have (i.e., the sticks I am holding). So, if I have full ownership of a parcel of land (the whole bundle of sticks), I can deed to you the entire ownership interest (the whole bundle of sticks) or just a portion of it, like a life estate (just a few sticks). However, if I only have a life estate interest in a parcel of land (only a few sticks), I cannot deed to you full ownership rights in that land (the whole bundle of sticks), since I do not have that to legally give. Here, the legislature tried to convey a general warranty deed (the whole bundle of sticks) when it only had a lease for a term-of-years (a few sticks). Yes, the bad warranty deed (i.e., the legislative powers delegated via the EPGA and EMA) is still “on the books” with the hypothetical register of deeds (i.e., these EOs are still publicised as having legal effect), but the legislature still can only transfer that which it has the legal authority to do so.

effect of law to implement the [EMA].”³⁹ Indeed, Governor Whitmer thinks of her EOs as “laws” being enforced against the people. “Right now, the law requires that anyone in an enclosed public space has to wear a mask,” she said in a July 10th press conference.⁴⁰ WMU Cooley Law School professor David Tarrien also said “county prosecutors have prosecutorial discretion on whether to enforce the Whitmer's mask law.”⁴¹ Further,

Michigan's new law requires people to wear masks inside public places and in crowded outdoor areas. Business[es] are now required to refuse entry and services to people who don't wear masks. . . . [Even t]he Michigan Attorney General's Office said the executive order is a law and local law enforcement agencies and county prosecutors are still the most appropriate authorities to deal with violations of the executive orders. . . . The governor's law does allow exceptions to children under five or people with medical conditions.⁴²

However, regardless of how many law professors, prosecutors, attorney generals, legislators, or governors agree that these EOs are law, our state constitution clearly prohibits the Governor from exercising legislative powers.⁴³

But in unconstitutionally exercising this legislative power, Governor Whitmer has also blatantly violated several other provisions of our state constitution's restrictions on legislative authority. In other words, our state constitution expressly prohibits the governor from creating laws (art III § 2), let alone in EOs (see, art IV § 22 “[a]ll legislation shall be by bill”) that cover more than one subject (art I § 24), or that modify parts of laws without including the *entire* text

³⁹ MCL 30.403 (2).

⁴⁰

<https://www.clickondetroit.com/news/michigan/2020/07/10/violation-of-michigan-mask-order-now-a-misdemeanor-subject-to-500-fine/>, last accessed August 4, 2020.

⁴¹

<https://wwmt.com/news/local/new-mask-law-creates-tension-between-people-who-wear-masks-and-those-who-dont>, last accessed August 4, 2020.

⁴² *Id.*

⁴³ Likewise, for Governor Whitmer to merely state that “Separation of powers. Nothing in this order should be taken to interfere with or infringe upon the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances,” it makes her no less guilty of violating the constitutionally-required separation of powers and abridging the protections guaranteed to us by the state and federal constitutions. Governor Whitmer Executive Order 2020-160 § 13.

of the law as amended (art IV § 25). Our state constitution requires the Governor to wait 90 days before enforcing new laws or “legally enforceable EOs” (art IV § 27), yet as seen in EO 2020-161 and most of the other 2020 EOs, “[t]his order is effective immediately upon issuance.”⁴⁴ In fact, MCL 10.31(2) specifically allows these emergency EOs to be “effective from the date” the governor chooses. Despite article IV § 39 of our state constitution requiring our state and local governmental operations to continue in “periods of emergency,” the Governor has shut down all “non-essential” government services.

Our constitution not only separates the powers to be exercised by each branch of government, but also specifically prevents the branches from sharing or delegating these powers because “[w]hen the legislative and executive powers are united in the same person or body . . . there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”⁴⁵ Indeed, the plaintiff’s brief points out that art III § 2 was included because it was “the Constitutional Convention’s intent to ‘prevent[] the collection of governmental powers into the hands of 1 man, thus protecting the rights of the people’ [because] ‘he who enforces a law shall not make or change it’”⁴⁶ So, while some argue it’s a good thing that the legislature has “chosen to delegate the authority to act in a public-health crisis [b]ecause the executive branch answers to a single authority - the Governor - [who] is uniquely positioned to act quickly and decisively in an emergency,”⁴⁷ those same professionals are the same ones to explain a different facet of the importance of this separation of powers.

The Legislature is, by design, a very different institution. It speaks with many voices representing many views, not the single voice of the Governor. . . . And it acts through the legislative process, which is designed to collect information from

⁴⁴ Governor Whitmer Executive Order 2020-161 §18, dated July 29, 2020.

⁴⁵ *Soap and Detergent* at 751.

⁴⁶ Plaintiff’s Opening Brief, at 29-30, quoting 1 Official Record, Constitutional Convention 1961, p. 601.

⁴⁷ *Amicus Curiae Brief of Michigan Nurses Association and 30 Michigan Healthcare Professionals*, p.6, filed in MCA Docket No. 353655 on July 10, 2020.

numerous stakeholders with multiple viewpoints, and gradually build consensus through a process of deliberation and compromise.

...

The process by which a law is enacted is purposefully designed to be slow and deliberate, not fast and decisive. For example, the Michigan Constitution explicitly requires that before a bill can be passed into law, it must first be “read three times in each house” and kept “in the possession of each house for at least five days.” Mich. Const. art. IV, § 26. Once these threshold requirements have been met, the bill must be approved by “a majority of the members elected to and serving in each house,” and then “presented to the governor,” who “shall have 14 days . . . in which to consider it.” *Id.* §§ 26, 33. In other words . . . the Legislature can act only through the legislative process by considering multiple viewpoints, and gradually building consensus through deliberation and compromise.⁴⁸

Considering that the “structural principles secured by the separation of powers protect the individual as well,”⁴⁹ I urge you to heed Justice Markman’s words when he identified that the Governor’s executive orders infringing upon our rights are just as dangerous as COVID19 itself: “both the lives and the liberties of [Michigan’s] people are being lost each day.”⁵⁰

Justice Markman also urges us to recognize that the issues raised in these cases

pertain to an issue of the greatest practical importance to the more than 10 million people in this state: the validity of executive orders declaring a state of emergency and thereby enabling a single public official to restrict and regulate travel, assembly, business operations, educational opportunities, freedoms and civil liberties, and other ordinary aspects of the daily lives of these people, including matters of crime and punishment and public safety. To put it even more specifically, the present [issues] place into question the entirety of the processes and procedures by which the executive orders that have defined nearly every minute, and nearly every aspect, of our lives of ‘we the people’ of Michigan for more than the past two months were fashioned into law.⁵¹

With similar concerns, Justice Zahra explains that

This case presents palpable constitutional questions that are of compelling interest to every resident, business, and employer in Michigan. The instant matter is arguably the most significant constitutional question presented to this Court in the last 50 years. . . . [T]his Court [should] put to rest with finality whether and to what extent the legislation on which the Governor relied to issue

⁴⁸ *Id.* at 7, 26.

⁴⁹ *Stern v Marshall*, 564 US 462, 483 (2011).

⁵⁰ *House v Governor*, MSC Docket No. 161377, June 4, 2020 Order, dissenting opinion, 7.

⁵¹ *Id.*

the serial emergency COVID-19 orders remains a valid course of legal authority for those orders. . . . [E]ach resident's personal liberty is at stake . . . [and] [l]ife for people throughout Michigan was turned on its head when [Governor Whitmer began issuing executive orders that curtailed our liberties]. . . . No issue is of greater public interest or importance than the resolution of whether the Governor was within her constitutional authority to deprive the 10-million-plus residents and the thousands of business owners of Michigan of their personal freedom and economic liberty.⁵²

Justice Viviano also recognizes that this case “impacts the constitutional liberties of every one of Michigan’s nearly 10 million citizens.”⁵³ Justice Viviano also reminds us that

This case involves some of the most important legal principles that can arise in a free society. . . . These issues, and how we decide them, will have a direct impact on the constitutional liberties of every person who lives or owns property in, or simply visits, our state while the restrictions are in place. On a fundamental and practical level, they impact how our friends and neighbors live their lives on a daily basis, where they can go, with whom, how and when they can practice their religion, whether they can go out to eat or to the hardware store or to the beach - in short, nearly every decision they make about nearly everything that they do. Our Court exists to vindicate the constitutional rights of our citizens and to be the final expositor of state law; thus, we are uniquely situated to provide a prompt and final resolution of the issues presented in this case.⁵⁴

Let’s put the separation of powers and non-delegation clauses into context. In 1776, we declared our independence to secure our God-given rights. We are, after all, “endowed by [our] Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”⁵⁵ And “in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity,”⁵⁶ we created our form of government through the Constitution. Indeed, we are

⁵² *Id.*, dissenting opinion, 8-11.

⁵³ *Id.*, dissenting opinion, 12.

⁵⁴ *Id.*, at 18.

⁵⁵ Declaration of Independence (1776).

⁵⁶ US Const, Preamble.

guaranteed “a Republican Form of Government,”⁵⁷ where “the people hold sovereign power and elect representatives who exercise that power.”⁵⁸

Furthermore, “[a] constitution is made for the people and by the people. . . . For as the Constitution does not derive its force from the convention which framed, but from the people who ratified it, the intent to be arrived at is that of the people”⁵⁹ Not only is “the Constitution . . . the bulwark and foundation of our laws,”⁶⁰ but that very foundation “does not protect the sovereignty of States for the benefit of the States or state governments as abstract political entities, or even for the benefit of the public officials governing the States.”⁶¹ Indeed, our state constitution “proceeds from the people in their original capacity, as the source of all power in government. Their will being the supreme law, and only to be found in the constitution which they ordain, must be fairly and cheerfully enforced according to its terms, and no attempt should be made to evade or defeat it.”⁶²

IV. Times of emergency neither diminish the rights of individuals nor enhance the powers of the government

The entirety of the EPGA and nearly all of the EMA deal with enhanced police powers for times of public crisis or disaster. Nowhere in any of those statutory provisions does it say that these powers may be exercised in such a manner to infringe upon Constitutional rights. But, if we're being honest, that's because it's a given - no statute is allowed to abridge or diminish the freedoms guaranteed to us in either the Michigan or US Constitutions.⁶³

⁵⁷ US Const, art IV § 4.

⁵⁸ *Black's Law Dictionary* (8th ed, 2004).

⁵⁹ *Citizens Protecting Michigan's Constitution v Secretary of State*, 503 Mich 42, 61 (2018).

⁶⁰ *Id.* at n. 74.

⁶¹ *New York v United States*, 505 US 144, 181 (1992).

⁶² *Twitchell v Blodgett*, 13 Mich 127, 142 (1865).

⁶³ There shall be no law “abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” US Const, Am 1. “We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom and earnestly desiring to secure

But the EMA goes one step further. In MCL 30.421, the legislature anticipated an even more concerning threat to the people of the State of Michigan. This provision gives the governor even greater police powers in some respects. However, even in a "heightened state of alert," of even greater police powers, the legislature made it clear that constitutional protections must still be observed. Inasmuch, MCL 30.421 decrees that the governor's powers "under this act [the EMA] . . . shall be consistent with the provisions of the state constitution of 1963 and the federal constitution" Furthermore, MCL 30.421 prohibits prosecutors from prosecuting any violations of the EOs in any "manner that violates any constitutional provision." Prosecutors are further prohibited, in the prosecution of violations of EOs, from prosecuting "conduct presumptively protected by the first amendment to the constitution of the United States." This isn't a carveout for certain individual behaviors; this is a stern reminder to prosecutors of the *restraints placed upon the government* in regulating the people, even in the most heightened state of alert our state could ever experience.

We all know what a presumption does - it switches the burden of proof. So, while asserting a defense is typically a burden of proof borne by the defendant, it actually rests on the government to prove that a person "violating" an "emergency powers" executive order is not exercising his religious beliefs, his unabridged freedom of speech, his right to peaceably assemble or his right to petition the government for a redress of grievances. Considering that the main point in all the EOs "is to keep people away from each other,"⁶⁴ it's pretty clear that a prosecutor will not be able to meet this burden of proof.

Indeed, our Founding Fathers knew times of disease, famine, hardship and the like when they drafted these provisions to protect our rights. It is also undeniable that the drafters

these blessings undiminished to ourselves and our posterity," established our state Constitution of 1963. Preamble.

⁶⁴ Attorney General Nessel Letter May 4, 2020, App. 001c.

of our state constitution had exigent circumstances in mind when they mandated state and local governments to maintain operations even in times of emergency under article IV § 39.

This is because

Emergency does not create power. Emergency does not increase granted power or remove or diminish the restrictions placed upon power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants of power to the Federal Government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency.⁶⁵

Likewise, “[n]o State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States,”⁶⁶ including the right to travel, which “is so important that it is assertable against private interference as well as governmental action . . . a virtually unconditional personal right, guaranteed by the Constitution to us all.”⁶⁷ Since the “claim and exercise of a constitutional right cannot thus be converted into a crime,”⁶⁸ every single executive order issued to restrict our movement, thwart our opportunities to peacefully assemble, petition our government for a redress of grievances, or impair our contracts is defunct, along with any statute purporting to provide authority for such usurpations. After all, “[a]n unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.”⁶⁹ Justice Viviano said it best on June 5, 2020:

It is incumbent on the courts to ensure decisions are made according to the rule of law, not hysteria. . . . Courts decide legal questions that arise in the cases that come before us according to the rule of law. One hopes that this great principle - essential to any free society, including ours - will not itself become yet another casualty of COVID-19.⁷⁰

⁶⁵ *Home Building v Blaisdell*, 290 US 398, 425 (1934).

⁶⁶ US Const, Am XIV.

⁶⁷ *Saenz v Roe*, 526 US 489, 498 (1999).

⁶⁸ *Miller v US*, 230 F.2d 486, 490 (1956).

⁶⁹ *Norton v Shelby Co.*, 118 US 425, 442 (1886).

⁷⁰ *Dept of Health and Human Services v Manke*, MSC Docket No. 161394, June 5, 2020 Order, concurring opinion, 2-3.

CONCLUSION

Our very constitution was established to "establish Justice . . . and secure the Blessings of Liberty to ourselves and our Posterity" ⁷¹ Our state constitution was established "to secure [the blessings of freedom from Almighty God] *undiminished* to ourselves and our posterity" ⁷² Moreover, "[a]ll political power is inherent in the people." ⁷³ These are not mere words on old documents, and the conclusion is irrefutable: we, the people, received our blessings, especially that of liberty, from Almighty God. We created our state and federal governments to secure those blessings of liberty. The government is only authorized to act in a way that protects those God-given blessings. For we, the people, hold the ultimate authority and power in our government and we have the duty to stand against government actions which trample our rights and extend beyond the constitutional delegation of power.

Likewise, article II § 8 recalls, article IV § 20 open meetings, article V § 10 removal of officers, article V § 30 executive term limits, article IV § 54 legislative term limits, article VI § 2 supreme court justice term limits, article VI § 9 court of appeals term limits, article VI § 12 circuit court term limits, article VI § 16 probate court term limits, article VI § 25 removal of judges, and article XI § 7 impeachment of officers all get to one main point - constitutional restraints are *not* placed upon the people in their exercise of liberty, but *instead* upon the government in any attempt to stop us from enjoying that liberty.

So, what liberties are being infringed? Despite the guarantees to equal protection in US Const Am XIV and Const 1963 art I § 2, similarly situated individuals have been treated differently (i.e., comic book stores with regular snack sales could not be open under the

⁷¹ US Const, Preamble.

⁷² Const 1963, Preamble.

⁷³ Const 1963, art I § 1.

stay-home orders, but liquor stores that “might sell protein bars” were allowed to stay open). We have the Const 1963 art I § 3 right to peaceably assemble, consult for the common good, instruct our representatives and to petition the government for a redress of grievances, along with the US Constitution First Amendment right to peaceably assemble and to petition the government for a redress of grievances, but nearly every EO in 2020 is geared toward keeping people locked in their homes or forcing them to “social distance” from each other, making it a crime to gather in groups of more than the allowed amount. Our liberty to worship God according to the dictates of our own conscience is protected under Const 1963 art I § 4, along with the US Constitution First Amendment protections of the free exercise of religion, but the Governor has required masks to be worn and social distancing to be used in such worship activities.

While Const 1963 art I § 5 guarantees that every person may freely speak, write, express and publish his views on all subjects, where no law shall be enacted to restrain or abridge the liberty of speech or of the press, gatherings have been prohibited, press and the public have been limited at Governor press conferences due to “social distancing,” and Michiganders are punished with harsher EO provisions when we gather for speeches at public rallies. Const 1963 art I § 10 protects our right to make contracts unimpaired, yet these EOs are directly prohibiting thousands of businesses from being open, thus directly impairing their ability to perform under their multitudes of contracts. We are guaranteed the right to be secure from unreasonable searches and seizures under US Am IV and Const 1963 art I § 11, yet the newest EOs require businesses to utilize contact tracing measures, asking customers and employees about their travels and health history, and taking their temperature - all without being charged with a crime or having a warrant issued.

We are guaranteed due process of law in US Const Am V and XIV, as well as Const 1963 art I § 17, yet ALL of these new restrictions upon us as individuals and business owners are being imposed without adherence to ANY of our constitutionally-required processes for creating and enforcing laws (as described above). Further, the licensing agencies of this state are summarily revoking licenses away from individuals and businesses for “non-compliance” with the EOs without any kind of direct judicial oversight or fair treatment in the investigation or prosecution of the “offenses.” And although the EPGA, EMA and individual EOs make it a misdemeanor (punishable with a fine) to violate the EOs, additional civil monetary citations are being issued for the same “violations,” and are only appealable to “the Michigan Office of Administrative Hearings and Rules.”⁷⁴ Const 1963 art VIII § 8 guarantees that institutions, programs, and services for disabled individuals will always be fostered and supported, but EOs on masks have resulted in widespread denial of services for the disabled, also creating a pervasive impediment for the hearing impaired who read lips to communicate WITH EVERYONE AROUND THEM, not just the person to whom they are specifically speaking at that moment. Likewise, EO restrictions have completely halted all in-person services for our students with IEPs and 504 Plans, not to mention the services and programs being denied to juveniles and adults being held in jails and detention facilities.

But we must not forget that US Const Am X provides that “the powers not delegated” to the government “are reserved to the states respectively, or to the people,” and that Const 1963 art I § 23 exclaims that “the enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.” As citizens of the US and residents of Michigan, we are not limited to the liberties specifically carved out for us in the state and federal constitutions. We are given a plethora of rights from God, only some of

⁷⁴ MDHHS Emergency Order dated July 29, 2020, § 8.

which we have chosen to specify for constitutional protection, the remainder of which we still retain however unenumerated they are. However, in stark contrast, no government body nor government official may act without having the express permission and authorization to do so. That permission must first be found in the constitution, but then may end up being limited by statutory provisions.

Thus, *amicus curiae* urges this court to issue immediate clarification to the governor, legislature and the public that these unconstitutional executive orders, which have abrogated virtually every right guaranteed to us in the state and federal constitutions, are unenforceable on their face. After all, these liberties are to be exercised by all people unabridged and undiminished, during times of emergency or not.

/s/ Katherine L. Henry
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Respectfully Submitted: August 5, 2020

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



DANA NESSEL
ATTORNEY GENERAL

P.O. Box 30005
LANSING, MICHIGAN 48909

May 4, 2020

Re: Executive Orders 2020-69 & 2020-70

Dear Colleagues:

I am writing to clarify that, regardless of what you may have heard, Executive Order 2020-69 (temporary restrictions on the use of places of public accommodation) and Executive Order 2020-70 (temporary requirement to suspend activities that are not necessary to sustain or protect life) are valid and enforceable.

As you are aware, on April 30, 2020, Governor Whitmer issued executive orders under the Emergency Management Act and the Emergency Powers of Governor Act regarding the declared states of disaster and emergency in Michigan. In Executive Order 2020-66, the Governor terminated the states of disaster and emergency that had been previously declared under the EMA, and then, in Executive Order 2020-68, reissued a declaration of states of disaster and emergency under the EMA. A third order, Executive Order 2020-67, reiterated that a state of emergency remains declared under the EPGA.

Subsequently, the Governor issued two orders that have been the subject of debate—Executive Order 2020-69 and Executive Order 2020-70. Executive Order 2020-69 rescinded Executive Order 2020-43, but again placed temporary restrictions on the use of places of public accommodation. Executive Order 2020-70 rescinded Executive Order 2020-59, but again temporarily suspended various activities that are not necessary to sustain or protect life.

After these most recent actions, numerous legislators, and other officials, began to publicly question the validity of the Governor's declarations under the EMA, and consequently, the enforceability of Executive Order 2020-69 and Executive Order 2020-70. Such commentary has created confusion among law enforcement officials tasked with enforcing the orders. In light of this confusion, as the chief law enforcement officer for the State of Michigan, I carefully reviewed the issue and offer the following guidance.

Executive Order 2020-69 and Executive Order 2020-70 were issued by the Governor under *both* the EPGA and the EMA.

App. 001c

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The EPGA authorizes the Governor, following the declaration of an emergency, to:

promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control. [MCL 10.31(1).]

The legislature has deemed this to be a “sufficiently broad power of action in the exercise of the police power of the state to provide adequate control over persons and conditions during such periods of impending or actual public crisis or disaster.” MCL 10.32. In addition, the provisions of the EPGA are to “be broadly construed to effectuate this purpose.” *Id.*

Here, as mentioned, the Governor has declared a state of emergency under the EPGA, and Executive Order 2020-69 and Executive Order 2020-70 were issued following that declaration. Therefore, to be valid under the EPGA, the orders must be “reasonable orders” that the governor “considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1). In promulgating Executive Order 2020-69 and Executive Order 2020-70, the Governor specifically stated that she considered the restrictions imposed by those orders to be “reasonable and necessary” to mitigate the spread of COVID-19 and protect the public health across the State of Michigan. See Executive Order 2020-69, p 1-2; Executive Order 2020-70, p 1-2. I agree with that assessment.

COVID-19 has created a public health crisis of unprecedented gravity in our lifetime. Responding to, and stemming the spread of, the virus is paramount to all our well-being. To date, the most effective means to contain an infectious pandemic is to keep people away from each other. In promulgating Executive Order 2020-69 and Executive Order 2020-70, the Governor has done just that by placing restrictions on certain activities to limit social interactions. The absence of these restrictions would open gateways for the virus to reach every family and social network in every part of the State.

Consequently, the restrictions in Executive Order 2020-69 and Executive Order 2020-70 bear a real and substantial relationship to securing the public health, and they are reasonable. Further, although some restrictions on social interactions have been judiciously loosened by the Governor, the restrictions in Executive Order 2020-69 and Executive Order 2020-70 remain necessary to protect the lives of all Michiganders and bring the emergency created by COVID-19 in Michigan under control. As a result, Executive Order 2020-69 and Executive Order 2020-70 are valid and enforceable under the EPGA. Given that these orders are a valid exercise of the Governor’s authority pursuant to the EPGA, the speculation

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related to the EMA is of no moment and should not create any confusion as to the enforceability of these orders.

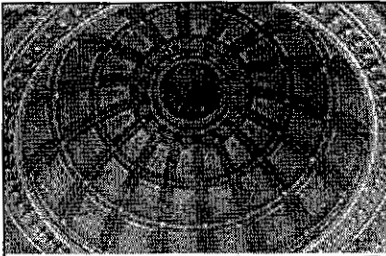
As always, we appreciate your continued assistance in the enforcement of Executive Orders 2020-69 and 2020-70.

Sincerely,

A handwritten signature in blue ink that reads "Dana Nessel". The signature is fluid and cursive, with the first name "Dana" and last name "Nessel" clearly legible.

Dana Nessel
Attorney General

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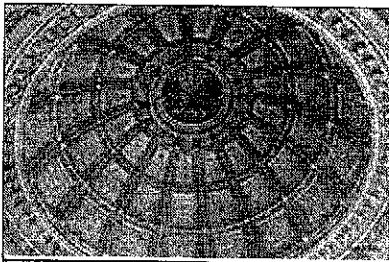
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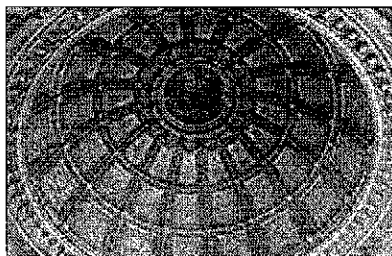
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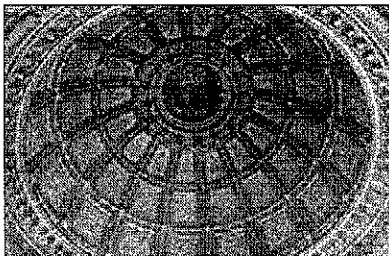
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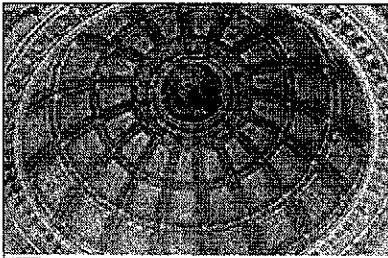
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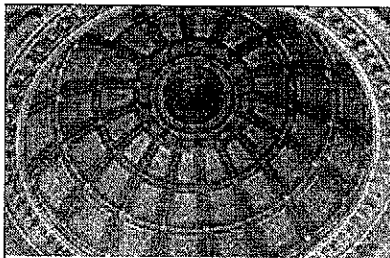
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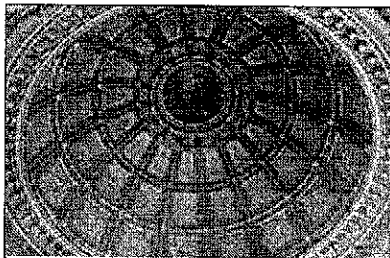
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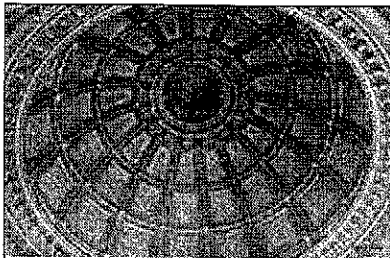
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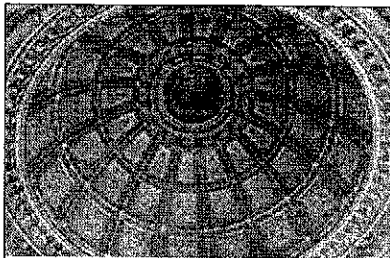
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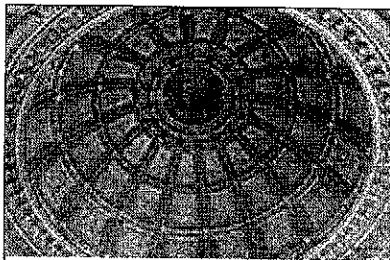
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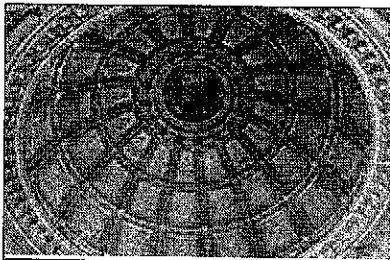
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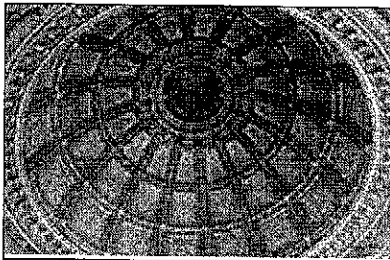
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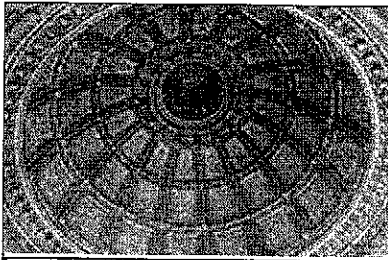
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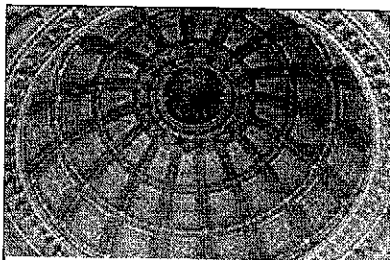
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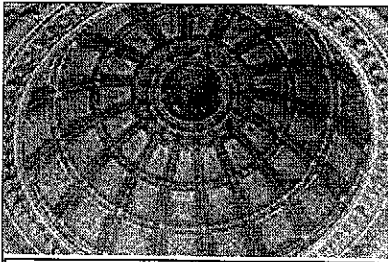
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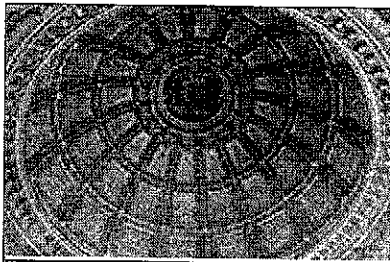
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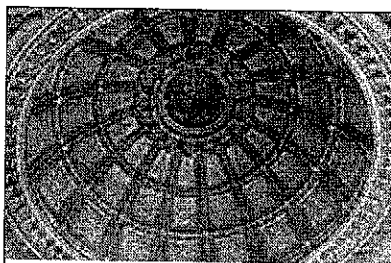
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E.O. NO. 2003-5	Governor's Chronic Wasting Disease Task Force Executive Office of the Governor
E.O. NO. 2003-6	Assistant Adjutation General for Homelans Security Michigan Homeland Protection Board Department of Military and Veterans Affairs Department of State Police
E.O. NO. 2003-7	DETROIT MEDICAL CENTER FISCAL STABILITY TASK FORCE HOSPITAL ADVISORY COUNCIL
E.O. NO. 2003-8	Governor's Council of Economic Advisors Department of Consumer and Industry Services
E.O. NO. 2003-9	Committee on Juvenile Justice Family Independence Agency Amendment of Executive Order No. 1993 - 14
E.O. NO. 2003-10	Temporary Suspension of Administrative Rules for Gasoline Vapor Pressure
E.O. NO. 2003-11	STATE OF ENERGY EMERGENCY
E.O. NO. 2003-12	Temporary Suspension of Administrative Rules for Gasoline Vapor Pressure
E.O. NO. 2003-13	Governor's Chronic Wasting Disease Task Force Amendment of Executive Order 2003-5
E.O. NO. 2003-14	Department of Labor and Economic Growth Executive Reorganization
E.O. NO. 2003-15	Michigan Clean Water Corps Department of Environmental Quality
E.O. NO. 2003-16	End of State of Energy Emergency
E.O. NO. 2003-17	Rescission of Executive Order No. 2003-14
E.O. NO. 2003-18	Department of Labor and Economic Growth Executive Reorganization

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Executive Reorganization Order 1 - MCL Section Number
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E.O. NO. 2003-19 Michigan Strategic Fund Technology Tri-Corridor Steering
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E.O. NO. 2003-20 Michigan Educational Assessment Program Executive
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Executive Reorganization Order 2 - MCL Section Number
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E.O. NO. 2003-21 Recognizing Veterans Day
E.O. NO. 2003-22 Amendment of Executive Order 2003-8
E.O. NO. 2003-23 Implementation of Expenditure Reductions
E.O. NO. 2003-24 Michigan Mental Health Commission

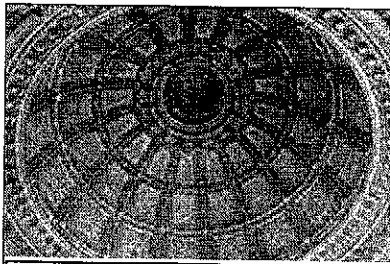
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| E.O. NO. 2002-1 | Creation of Bureau of Worker's and Unemployment Compensation
Executive Reorganization Order 1 - MCL Section Number 445.2004 |
| E.O. NO. 2002-2 | Upgrading the e-Michigan Office
Executive Reorganization Order 2 - MCL Section Number 18.61 |
| E.O. NO. 2002-3 | Creation of the Michigan Public Educational Facilities Authority
Executive Reorganization Order 3 - MCL Section Number 12.192 |
| E.O. NO. 2002-4 | Creation of the Michigan Commission on Asia in the Schools |
| E.O. NO. 2002-5 | Creation of the Michigan Workforce Investment Board
Executive Reorganization Order 4 - MCL Section Number 408.101 |
| E.O. NO. 2002-6 | Creation of the Governor's Traffic Safety Advisory Commission
Executive Reorganization Order 5 - MCL Section Number 256.571 |
| E.O. NO. 2002-7 | Establishment of the Michigan Child Support Leadership Council |
| E.O. NO. 2002-8 | Mobilization of the Michigan National Guard in Gogebic County |
| E.O. NO. 2002-9 | Creation of the Michigan Citizen Corps |
| E.O. NO. 2002-10 | Renaming of the Division on Deafness and Advisory Council on Deafness
Executive Reorganization Order 6 - MCL Section Number 445.1991 |
| E.O. NO. 2002-11 | Transfer of the Office of Regulatory Reform to the Department of Management and Budget
Executive Reorganization Order 7 - MCL Section Number 10.153 |
| E.O. NO. 2002-12 | Transfers various Authorities' administrative staffs to the State Treasurer |

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- Executive Reorganization Order 8 - MCL Section Number 12.193
- E.O. NO. 2002-13 Transfer of the administration of state employee benefit programs and the Quality Recognition System to the Department of Civil Service
Executive Reorganization Order 9 - MCL Section Number 38.1172
- E.O. NO. 2002-14 Transfer of e-Michigan Office and e-Michigan Advisory Council to Department of Information Technology
Executive Reorganization Order 10 - MCL Section Number 18.62
- E.O. NO. 2002-15 Creation of the Hospital Advisory Commission
- E.O. NO. 2002-16 Creation of Michigan State Council for Interstate Adult Offender Supervision
- E.O. NO. 2002-17 Reassignment of certain functions of the executive branch to the Department of History, Arts and Libraries
Executive Reorganization Order 11 - MCL Section Number 399.751
- E.O. NO. 2002-18 Clarification of the authority and duties of the Office of the State Employer
- E.O. NO. 2002-19 Establishment of the executive direction and management of the state's Human Resource Management Network System in the Department of Civil Service.
Executive Reorganization Order 12 - MCL Section Number 38.1173
- E.O. NO. 2002-20 Combining of all real estate planning and occupancy management functions of other state departments into the Department of Management and Budget.
Executive Reorganization Order 13 - MCL Section Number 18.321
- E.O. NO. 2002-21 Creation of the Aquatic Nuisance Species Coordinating Council within the Office of the Great Lakes as an advisory body to the Office of the Great Lakes and other the state departments
- E.O. NO. 2002-22 Implementatin of Expenditure Reduction under Provision of Article V, Section 20, of the Michigan Constitution of 1963
- E.O. NO. 2002-12 EXECUTIVE ORDER No. 2020-12 Enhanced support for deliveries [PDF](#)
- E.O. NO. 2002-44 EXECUTIVE ORDER No. 2020-44 [PDF](#)
- E.O. NO. 2002-55 EO. no 55 of 2020 [PDF](#)

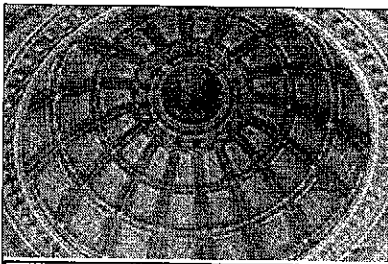
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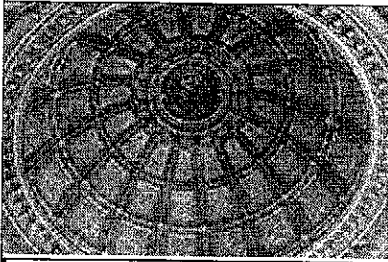
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| E.O. NO. 2001-1 | Creation Of The Department Of History, Arts And Culture (Rescinded by EO 2001-2) |
| E.O. NO. 2001-2 | Rescission Of Executive Order No. 2001 - 1 |
| E.O. NO. 2001-3 | Creation of the Department of Information Technology Executive Reorganization Order 1 - MCL Section Number 18.41 |
| E.O. NO. 2001-4 | Establishes the Michigan Quarter Commission within the Department of History, Arts and Libraries |
| E.O. NO. 2001-5 | Michigan Commission on Law Enforcement Standards Executive Reorganization Order 2 - MCL Section Number 28.621 |
| E.O. NO. 2001-6 | Presidents New Airline Safety Package, National Guard Assistance |
| E.O. NO. 2001-7 | Transfer of Michigan State Industries Advisory Board to the Director of the Michigan Department of Corrections Executive Reorganization Order 3 - MCL Section Number 800.351 |
| E.O. NO. 2001-8 | Michigan Pharmacy and Therapeutics Committee is established within the Michigan Department of Community Health |
| E.O. NO. 2001-9 | IMPLEMENTATION OF EXPENDITURE REDUCTIONS UNDER PROVISIONS OF ARTICLE V, SECTION 20 OF THE MICHIGAN CONSTITUTION OF 1963 |
| E.O. NO. 2001-10 | Establishment of the Michigan Veterans' Memorial Park Commission Executive Reorganization Order 4 - MCL Section Number 35.2082 |
| E.O. NO. 2001-11 | Creation of the Michigan Public Educational Facilities Authority [RESCINDED] Executive Reorganization Order 5 - MCL Section Number E-R-O-No-2001-5 |



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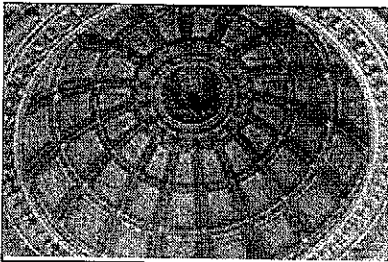
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E.O. NO. 2000-1	Office of Regulatory Reform Executive Reorganization Executive Reorganization Order 1 - MCL Section Number 10.152
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E.O. NO. 2000-4	Office of Financial and Insurance Services and Department of Consumer and Industry Service Executive Reorganization Executive Reorganization Order 2 - MCL Section Number 445.2003
E.O. NO. 2000-5	Transfer of the Commission on Spanish-Speaking Affairs to Department of Career Development Executive Reorganization Order 3 - MCL Section Number 18.311
E.O. NO. 2000-6	Establishment of e-Michigan Office
E.O. NO. 2000-7	Establishment of Michigan Council on Technical Excellence within Department of Career Development Executive Reorganization Order 4 - MCL Section Number 408.213
E.O. NO. 2000-8	Establishment of the Michigan Debt Advisory Board Executive Reorganization Order 5 - MCL Section Number 12.183
E.O. NO. 2000-9	Establishment of the Center for Educational Performance and Information [RESCINDED] Executive Reorganization Order 6 - MCL Section Number E-R-O-No-2000-6
E.O. NO. 2000-10	Michigan Capitol Park Commission Executive Reorganization Executive Reorganization Order 7 - MCL Section Number 18.1681
E.O. NO. 2000-11	Michigan Education Assessment Program Subject Area Blue Ribbon Advisory Committees
E.O. NO. 2000-12	Carl D. Perkins Vocational And Technical Education Act Of 1998 Executive Reorganization Order 8 - MCL Section Number 17.61



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E.O. NO. 1999-1	Creation of the Michigan Economic Development Corporation and the Department of Career Development Executive Reorganization Order 1 - MCL Section Number 408.4
E.O. NO. 1999-2	Recission of the Michigan Economic Development Transportation Projects and the Economic Development Road Projects Executive Reorganization Order 2 - MCL Section Number 408.4
E.O. NO. 1999-3	Creation of the Michigan Solid Waste Importation Task Force ("Task Force") within the Michigan Department of Environmental Quality
E.O. NO. 1999-4	Creation of the Michigan Commission on End of Life Care and the Michigan Department of Community Health
E.O. NO. 1999-5	Creation of the Bureau of Workers Disability Compensation Executive Reorganization Order 3 - MCL Section Number 418.3
E.O. NO. 1999-6	Transfer of Conservation Species Advisory Panel to the Michigan Department of Agriculture Executive Reorganization Order 4 - MCL Section Number 285.291
E.O. NO. 1999-7	Transfer of Deferred Compensation Plans from Department of Treasury to Department of Management and Budget Executive Reorganization Order 5 - MCL Section Number 38.2721
E.O. NO. 1999-8	Creation of the Michigan Commission on Public Pension and Retiree Health Benefits
E.O. NO. 1999-9	Transfer of the Indian Affairs Commission to the Department of Civil Rights Executive Reorganization Order 6 - MCL Section Number 16.721
E.O. NO. 1999-10	Creation of the Michigan Water Quality Monitoring Advisory Board, MI Department of Environmental Quality
E.O. NO. 1999-11	Michigan Commission on Financing Postsecondary Education
E.O. NO. 1999-12	Department of Education, State Board of Education,

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Superintendent of Public Instruction, Department of Career
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E.O. NO. 1999-13 Michigan Commission on Public Pension and Retiree Health
Benefits

E.O. NO. 1999-14 Michigan Solid Waste Importation Task Force

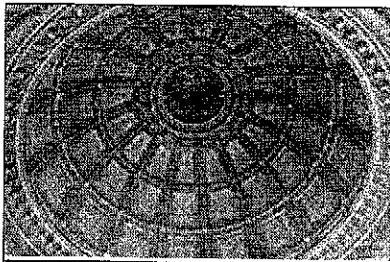
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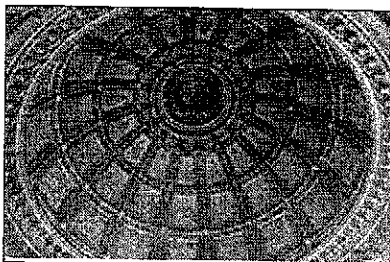
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E.O. NO. 1998-1	Creation of the Criminal Justice Information Systems (CJIS) Policy Council within the Department of State Police Executive Reorganization Order 1 - MCL Section Number 28.161
E.O. NO. 1998-2	Above Ground Storage Tank Program Transferred from the Department of State Police to the Department of Environmental Quality Storage Tank Division Executive Reorganization Order 2 - MCL Section Number 29.461
E.O. NO. 1998-3	National Guard Assistance for several Michigan counties and one municipality declared disaster areas
E.O. NO. 1998-4	Establishment of Reading Plan For Michigan Advisory Council within the Department of Education
E.O. NO. 1998-5	Establishment of the Michigan Hazard Mitigation Coordinating Council
E.O. NO. 1998-6	National Guard Assistance



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| E.O. NO. 1997-2 | Regulatory Powers of the Fire Marshall Division Transferred to Consumer and Industry Services and Environmental Quality Departments Executive Reorganization Order 2 - MCL Section Number 29.451 |
| E.O. NO. 1997-3 | Michigan Environmental Science Board and Environmental Administration Division Transferred to the Department of Environmental Quality Executive Reorganization Order 3 - MCL Section Number 324.99904 |
| E.O. NO. 1997-4 | The Community Public Health Agency, the Medical Services Administration and the Office of Drug Control Policy Transferred to the Department of Community Health; the Community Health Advisory Council Created Executive Reorganization Order 4 - MCL Section Number 333.26324 |
| E.O. NO. 1997-5 | Office of Services to the Aging Transferred to the Department of Community Health; Home Help Program and the Physical Disabilities Program Transferred to the Family Independence Agency Executive Reorganization Order 5 - MCL Section Number 400.224 |
| E.O. NO. 1997-6 | Transportation Needs Study Committee and the Citizens Advisory Committee are Abolished and Powers are Transferred to the State Transportation Commission Executive Reorganization Order 6 - MCL Section Number 247.691 |
| E.O. NO. 1997-7 | Department of Military Affairs renamed the Department of Military and Veteran Affairs Executive Reorganization Order 7 - MCL Section Number 32.91 |
| E.O. NO. 1997-8 | Michigan Biologic Products Institute, Department of |

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E.O. NO. 1997-9 National Guard Assistance for Detroit and Wayne County

E.O. NO. 1997-10 Crime Victim Services Commission Transferred from the Michigan Department of Management and Budget to the Michigan Department of Community Health
Executive Reorganization Order 9 - MCL Section Number 780.921

E.O. NO. 1997-11 Amendment of Executive Order No. 1993-14 Related to the Committee on Juvenile Justice and the Michigan Family Independence Agency
Executive Reorganization Order 10 - MCL Section Number 400.130

E.O. NO. 1997-12 Michigan Employment Security Agency Renamed Unemployment Agency and Transferred from the Michigan Jobs Commission to the Michigan Department of Consumer and Industry Services
Executive Reorganization Order 11 - MCL Section Number 421.94

E.O. NO. 1997-13 State Exposition and Fairgrounds Office Transferred from the Michigan Department of Consumer and Industry Services to the Michigan Department of Agriculture; Various Boards and Commissions Transferred from the Michigan Department of Agriculture to the Michigan Department of Consumer and Industry Services
Executive Reorganization Order 12 - MCL Section Number 445.2002

E.O. NO. 1997-14 Establishment of the Michigan Commission on Genetic Privacy and Progress

E.O. NO. 1997-15 Establishes the Council for Career Preparation Standards

E.O. NO. 1997-16 Rescind Sections A.2 and A.3 of Executive Order 1997-13 related to the Department of Consumer and Industry Services
Executive Reorganization Order 13 - MCL Section Number 445.2002

E.O. NO. 1997-17 Establishes the Child Support Coordinating Council

E.O. NO. 1997-18 Executive Reorganization Transferring Specified Functions of the Michigan Employment Security Agency to the Michigan Department of Consumer and Industry Services Unemployment Agency
Executive Reorganization Order 14 - MCL Section Number 421.95

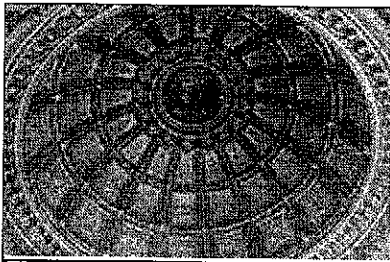
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| E.O. NO. 1996-1 | Michigan Department of Community Health Executive Reorganization
Executive Reorganization Order 1 - MCL Section Number 330.3101 |
| E.O. NO. 1996-2 | Michigan Department of Consumer and Industry Services Reorganization
Executive Reorganization Order 2 - MCL Section Number 445.2001 |
| E.O. NO. 1996-3 | Field Bean Advisory Committee Executive Reorganization
Executive Reorganization Order 3 - MCL Section Number 286.731 |
| E.O. NO. 1996-4 | Family Independence Agency Executive Reorganization
Executive Reorganization Order 4 - MCL Section Number 400.223 |
| E.O. NO. 1996-5 | Civil Service Commission Executive Reorganization
Executive Reorganization Order 5 - MCL Section Number 38.1171 |
| E.O. NO. 1996-6 | National Guard Assistance for the Counties of Saginaw, Tuscola, St. Clair, Sanilac, and Lapeer |
| E.O. NO. 1996-7 | GOVERNOR'S COUNCIL FOR ECONOMIC ADVISORS |
| E.O. NO. 1996-8 | Commission to Commemorate the Sesquicentennial of the City of Lansing as the Michigan State Capitol |
| E.O. NO. 1996-9 | Michigan Department of Treasury, Michigan Gaming Control Board |
| E.O. NO. 1996-10 | Interim Executive Director of Michigan Gaming |
| E.O. NO. 1996-11 | All Administrative Powers of the State Board of Education over the Department of Education are transferred to the Superintendent of Public Instruction
Executive Reorganization Order 6 - MCL Section Number 388.993 |
| E.O. NO. 1996-12 | State Board of Education, Michigan Department of Education Executive Reorganization
Executive Reorganization Order 7 - MCL Section Number 388.994 |

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E.O. NO. 1996-13 Establishment of the State Equal Opportunity Workforce
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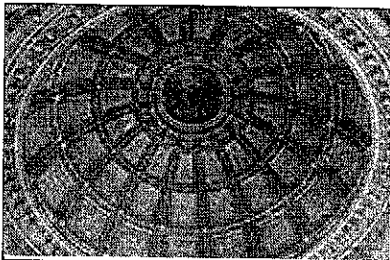
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E.O. NO. 1995-3	Student Financial Assistance Services, Michigan Higher Education Assistance Authority, Michigan Higher Education Student Loan Authority, Michigan Department of Education and Michigan Department of Treasury Executive Reorganization Order 2 - MCL Section Number 12.181
E.O. NO. 1995-4	National Pollution Discharge Elimination System, Office of Administrative Hearings, Michigan Department of Natural Resources Executive Reorganization Order 3 - MCL Section Number 299.911
E.O. NO. 1995-5	Michigan Jobs Commission, Michigan Strategic Fund Executive Reorganization Order 4 - MCL Section Number 408.50
E.O. NO. 1995-6	Office of Regulatory Reform, Executive Office, Department of Attorney General Executive Reorganization Order 5 - MCL Section Number 10.151
E.O. NO. 1995-7	Waste Reduction Assistance Service, Small Business Clean Air Assistance Program, Site Reuse and Redevelopment Program, Michigan Department of Natural Resources Executive Reorganization Order 6 - MCL Section Number 324.99901
E.O. NO. 1995-8	Michigan Employment Security Commission, Michigan Department of Jobs Commission Executive Reorganization Order 7 - MCL Section Number 421.93
E.O. NO. 1995-9	ORV Trails Advisory Committee, Commission of Natural Resources, Michigan Department of Natural Resources

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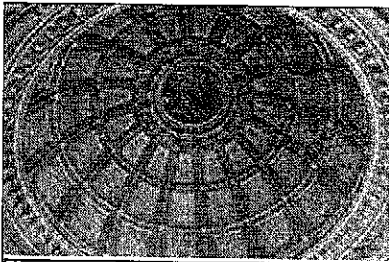
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- E.O. NO. 1995-10 Information Processing Consolidation, Michigan Executive Branch Agencies, Michigan Department of Management and Budget
Executive Reorganization Order 9 - MCL Section Number 18.1691
- E.O. NO. 1995-11 Commission on Disability Concerns, Michigan Department of Labor
Executive Reorganization Order 10 - MCL Section Number 395.351
- E.O. NO. 1995-12 Lieutenant Governor Children Commission
- E.O. NO. 1995-13 Michigan Department of Treasury, Michigan Department of Commerce
Executive Reorganization Order 11 - MCL Section Number 12.172
- E.O. NO. 1995-14 Michigan Information Network, Michigan Government Television Network, Michigan Information and Technology Network, Michigan Information Network Advisory Board, Michigan Information Network User Empowerment Authority, Michigan Department of Management and Budget, Michigan Department of Education and Michigan Jobs Commission
Executive Reorganization Order 12 - MCL Section Number 18.1695
- E.O. NO. 1995-15 Michigan Veteran's Trust Fund Board of Trustees
Executive Reorganization Order 13 - MCL Section Number 35.615
- E.O. NO. 1995-16 Office of Community Alternatives, Michigan Department of Corrections
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- E.O. NO. 1995-17 State Soil Conservation Committee, Michigan Department of Agriculture
Executive Reorganization Order 15 - MCL Section Number 282.201
- E.O. NO. 1995-18 Michigan Department of Environmental Quality, Michigan Department of Natural Resources
Executive Reorganization Order 16 - MCL Section Number 324.99903
- E.O. NO. 1995-19 Commission on Agricultural Labor, Michigan Department of Labor, Michigan Department of Social Services
Executive Reorganization Order 17 - MCL Section Number 400.1601
- E.O. NO. 1995-20 Michigan Justice Statistics Center
- E.O. NO. 1995-21 Advisory Committee on Day Care for Children
- E.O. NO. 1995-22 Michigan International Trade Authority Board, Michigan Department of Jobs Commission
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- E.O. NO. 1995-23 Michigan Emergency Planning and Community Right-To-Know Commission, Michigan Department of Environmental Quality, Michigan Department of Natural Resources
- E.O. NO. 1995-24 Michigan Underground Storage Tank Financial Assurance Authority, Michigan Treasury Department
Executive Reorganization Order 19 - MCL Section Number 12.182
- E.O. NO. 1995-25 Michigan Biologic Products Institute, Michigan Department of Public Health
Executive Reorganization Order 20 - MCL Section Number 333.26323

E.O. NO. 1995-26 National Guard Assistance, Sault Ste. Marie

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Executive Reorganization Order 1 - MCL Section Number 333.26322 |
| E.O. NO. 1994-2 | Michigan Employment Security Commission, Michigan Employment Security Advisory Council
Executive Reorganization Order 2 - MCL Section Number 421.92 |
| E.O. NO. 1994-3 | Michigan International Year of the Family Council |
| E.O. NO. 1994-4 | Michigan Farmland and Agricultural Development Task Force |
| E.O. NO. 1994-5 | Secchia Commission on Total Quality Government |
| E.O. NO. 1994-6 | International Trade Programs, Michigan Department of Commerce
Executive Reorganization Order 3 - MCL Section Number 447.212 |
| E.O. NO. 1994-7 | Leaking Underground Storage Tank Program, Underground Storage Tank Regulatory Program, Michigan Underground Storage Tank Financial Assurance Policy Board, Underground Storage Tank Division, Michigan Department of Natural Resources
Executive Reorganization Order 4 - MCL Section Number 299.901 |
| E.O. NO. 1994-8 | Committee on Juvenile Justice, Michigan Department of Social Services (Amends EO 1993-14)
Executive Reorganization Order 5 - MCL Section Number 500.130 |
| E.O. NO. 1994-9 | Motor Carrier Safety Assistance Program, Michigan Department of State Police (References EO 1982-1) |
| E.O. NO. 1994-10 | County Jail Overcrowding Act, Department of Management and Budget, Office of the Attorney General
Executive Reorganization Order 6 - MCL Section Number 801.71 |

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- E.O. NO. 1994-11 Michigan Snowmobile Advisory Committee, Michigan Department of Natural Resources
- E.O. NO. 1994-12 Dissolution of Wurtsmith Base Conversion Authority
- E.O. NO. 1994-13 Michigan Department of Treasury, Michigan Department of Management and Budget
Executive Reorganization Order 7 - MCL Section Number 18.32
- E.O. NO. 1994-14 Michigan Jobs Commission, Michigan Department of Commerce [RESCINDED]
Executive Reorganization Order 8 - MCL Section Number E-R-O-No-1994-8
- E.O. NO. 1994-15 Telecommunications Consolidation, Michigan Executive Branch Agencies, Michigan Department of Management and Budget
Executive Reorganization Order 9 - MCL Section Number 18.33
- E.O. NO. 1994-16 Michigan Equal Employment and Business Opportunity Council
- E.O. NO. 1994-17 State Emergency Planning and Community Right to Know Commission
- E.O. NO. 1994-18 Governor Interagency Coordinating Council for Handicapped Infants and Toddlers (Rescinds EO 1992-21)
- E.O. NO. 1994-19 State Board of Canvassers, State Administrative Board, DMB (Rescinded by EO 1994-22)
- E.O. NO. 1994-20 Michigan Rehabilitation Advisory Council, Michigan Jobs Commission
- E.O. NO. 1994-21 Michigan Statewide Independent Living Council (Rescinded by EO 1994-23)
- E.O. NO. 1994-22 Rescission of Executive Order 1994-19 (Rescinds EO1994-19)
- E.O. NO. 1994-23 Michigan Statewide Independent Living Council (Rescinds EO 1994-21)
- E.O. NO. 1994-24 Governor Blue Ribbon Commission of Michigan Gaming
- E.O. NO. 1994-25 Expansion of State Emergency Planning and Community Right to Know Commission
- E.O. NO. 1994-26 Department of Michigan Jobs Commission, Michigan Department of Commerce, Michigan Department of Education, Michigan Department of Social Services, Michigan Jobs Commission and Governor Workforce Commission
Executive Reorganization Order 10 - MCL Section Number 408.48

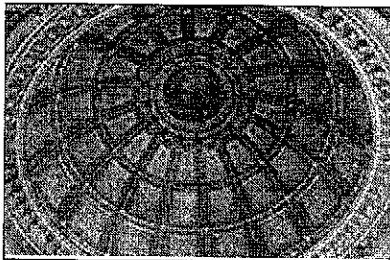
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| E.O. NO. 1993-1 | Headlee Amendment Blue Ribbon Commission |
| E.O. NO. 1993-2 | Michigan Jobs Commission |
| E.O. NO. 1993-3 | Governor's Workforce Commission (Rescinds EO 1983-1 and EO 1988-15) |
| E.O. NO. 1993-4 | Michigan Jobs Commission, Michigan Department of Labor, Michigan Department of Commerce and Michigan Department of Social Services (Rescinds EO 1983-13, EO 1984-13, EO 1984-3 and EO 1986-4) [RESCINDED]
Executive Reorganization Order 1 - MCL Section Number E-R-O-No-1993-1 |
| E.O. NO. 1993-5 | Michigan Jobs Commission, Michigan Department of Corrections [RESCINDED]
Executive Reorganization Order 2 - MCL Section Number E-R-O-No-1993-2 |
| E.O. NO. 1993-6 | Implementation of Expenditure Reductions under provisions of Article V, Section 20, of the Michigan Constitution of 1963 (Reference Article V, Michigan Constitution of 1963) |
| E.O. NO. 1993-7 | Office of the Great Lakes |
| E.O. NO. 1993-8 | Governor's Task Force on Children's Justice (Amends EO 1991-38) |
| E.O. NO. 1993-9 | Michigan Jobs Commission, Michigan Department of Commerce [RESCINDED]
Executive Reorganization Order 3 - MCL Section Number E-R-O-No-1993-3 |
| E.O. NO. 1993-10 | County Escaped Prisoner Prosecution Program, Michigan Department of Management and Budget and Michigan Department of Corrections
Executive Reorganization Order 4 - MCL Section Number 800.461 |
| E.O. NO. 1993-11 | Michigan Justice Training Commission and Michigan Justice Training Fund, Michigan Department of Management and Budget and Michigan Department of State Police
Executive Reorganization Order 5 - MCL Section Number 18.431 |
| E.O. NO. 1993-12 | State Revenue Sharing, Health and Safety Fund Act |

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- Michigan Department of Management and Budget and
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Executive Reorganization Order 6 - MCL Section Number
141.991
- E.O. NO. 1993-13 Michigan Council on Telecommunications Services for Public
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- E.O. NO. 1993-14 Committee on Juvenile Justice, Michigan Department of
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- E.O. NO. 1993-15 Michigan State Industries Advisory Council, Michigan State
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- E.O. NO. 1993-16 K I Sawyer Air Force Base Conversion Authority
- E.O. NO. 1993-17 Utility Consumer Participation Board, Michigan Department
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- E.O. NO. 1993-18 Michigan Justice Statistics Center
- E.O. NO. 1993-19 School Bond Loan Administration, Michigan Department of
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Executive Reorganization Order 10 - MCL Section Number
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- E.O. NO. 1993-20 Michigan Rehabilitation Services, Michigan State Board of
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Executive Reorganization Order 11 - MCL Section Number
E-R-O-No-1993-11
- E.O. NO. 1993-21 Disability Determination Services, Michigan Department of
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Executive Reorganization Order 12 - MCL Section Number
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- E.O. NO. 1993-22 Michigan Council on Telecommunications Services for Public
Education (Complements EO 1993-13)
- E.O. NO. 1993-23 Michigan Martin Luther King, Jr. Holiday Commission
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- E.O. NO. 1993-24 Michigan Community Service Commission (Rescinds EO
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- E.O. NO. 1993-25 State Exposition and Fairgrounds Office, State Exposition
and Fairgrounds Council, Michigan Department of Natural
Resources, Michigan Department of Commerce
Executive Reorganization Order 14 - MCL Section Number
285.190
- E.O. NO. 1993-26 Transfer of powers and duties of the Michigan emergency
management advisory council to the department of state
police by a type III transfer and abolishment of the Michigan
Emergency management advisory council. [PDF](#)
Executive Reorganization Order 15 - MCL Section Number
28.702



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-1

Declaration of State of Emergency

The National Weather Service has issued multiple winter weather warnings across the State of Michigan beginning Tuesday, January 29, 2019. These warnings predict extremely cold weather as an Arctic airmass settles over the region and brings record or near-record low temperatures, accompanied by gusty winds. Wind chills are predicted as low as 50 degrees below zero in many places.

Possible effects include disruptions in travel and commerce, and the threat of frostbite, hypothermia, or even death if proper precautions are not taken.

These extreme conditions are predicted across the Upper and Lower Peninsulas and will extend to areas less accustomed to extreme cold temperatures, such as the metropolitan Detroit area. Such widespread, extreme conditions have not occurred in Michigan for many years.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists."

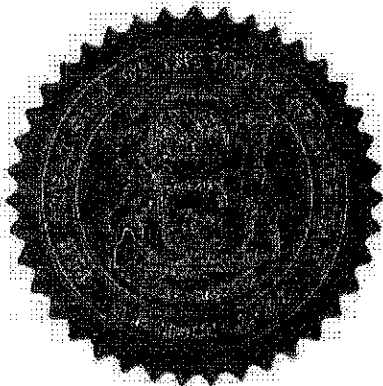
Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

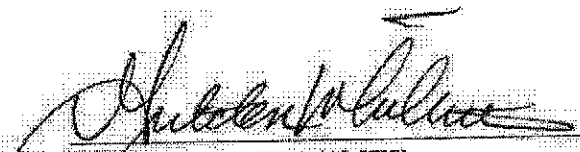
1. A state of emergency is declared across the State of Michigan.
2. The Emergency Management and Homeland Security Division of the Department of State Police will coordinate and maximize all state efforts that may be activated to state service to assist local governments and officials and may call upon all state departments to utilize available resources to assist consistent with the Michigan Emergency Management Plan.

App. 003c

3. The state of emergency is terminated when emergency conditions no longer exist and appropriate programs have been implemented to recover from any effects of the emergency conditions, but in no case later than Saturday, February 2, 2019.

Date: January 28, 2019




GRETCHEN WHITMER
GOVERNOR

By the Governor


KELLYN BENSON
SECRETARY OF STATE

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ON 1/29/19 AT 9:40 AM

2019 JAN 29 P 1:42

SECRETARY
OF THE SENATE

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-04

Declaration of State of Emergency

This past week several parts of Michigan have experienced severe winter weather. These events caused widespread and extended power outages, hazardous driving conditions, and localized flooding, causing an immediate threat to public health and safety due to exposure to freezing temperatures, structural hazards, exposure to potential contaminants, and increased emergency vehicle response times due to road hazards and inaccessible roadways and bridges.

Beginning on February 7, 2019, the City of Grand Rapids in Kent County has taken several actions to cope with the situation, including but not limited to: declaring a local state of emergency; activating the disaster response and recovery aspects for their emergency operations plans; evacuating and providing shelter to affected residents; and issuing emergency public information.

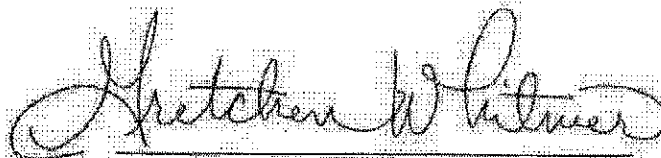
Local resources have been insufficient to address the situation and the assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert the threat of more severe and persisting impacts to the community.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists." Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for the City of Grand Rapids.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than March 9, 2019, unless extended as provided by 1976 Public Act 390, as amended.

Date: February 9, 2019



GRETCHEN WHITMER
GOVERNOR

By the Governor


SECRETARY OF STATE

2019 FEB 11 A 9:53

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OF THE SENATE

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ON 2/9/19 AT 8:04 PM



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GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-05

Declaration of State of Emergency

This past week several parts of Michigan have experienced severe winter weather. These events caused widespread and extended power outages, hazardous driving conditions, and localized flooding, causing an immediate threat to public health and safety due to exposure to freezing temperatures, structural hazards, exposure to potential contaminants, and increased emergency vehicle response times due to road hazards and inaccessible roadways and bridges.

Among the areas most impacted by this severe winter weather is the county of Ionia. Within the county of Ionia, the city of Portland is experiencing an ongoing compromised operation of its only wastewater treatment facility which is resulting in discharge of raw sewage into the Grand River. The flood impact in the county of Ionia has damaged 25 to 30 homes and businesses due to extensive flooding in areas adjacent to the Grand River. Emergency protective measures to mitigate additional flood damage are needed and still ongoing. The county of Ionia is anticipating additional and potentially extreme flooding due to the presence of ice jams on the Grand River.

Beginning on February 7, 2019, the county of Ionia has taken several actions to cope with the situation, including but not limited to: declaring a local state of emergency; activating the disaster response and recovery aspects for their emergency operations plans; evacuating and providing shelter to affected residents; and issuing emergency public information.

Despite these measures, local resources are insufficient to respond to the extreme flooding under the current conditions. State assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of flooding.

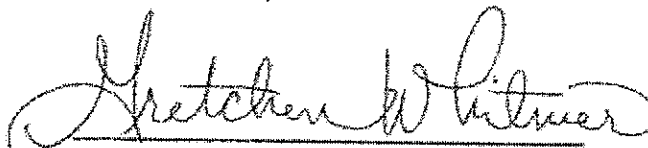
Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists." Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

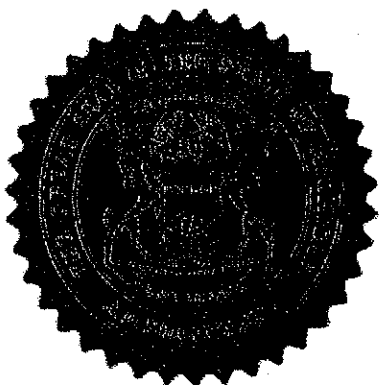
1. A state of emergency is declared for the county of Ionia.

2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than March 9, 2019, unless extended as provided by 1976 Public Act 390, as amended.

Date: February 13, 2019


GRETCHEN WHITMER
GOVERNOR



By the Governor


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SECRETARY
OF THE SENATE

EXECUTIVE ORDER

No. 2019-08

Declaration of State of Emergency

Beginning on March 14, 2019, Newaygo County experienced heavy rainfall and significant snowmelt, which resulted in widespread flooding, damaged homes, displaced residents, and washed out roadways. Due to these conditions, additional actions are necessary to protect public health, safety, and property.

On March 15, 2019, the chief executive official of the Newaygo County Board of Commissioners declared a local state of emergency. Newaygo County has taken several actions to cope with the impacts of the incident, including but not limited to, declaring a local state of emergency, activating the disaster or emergency response and recovery aspects of their emergency operations plan, issuing emergency public information, and providing relief and supplies to flood-stranded individuals. Local resources have been insufficient to address the situation and the assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert the threat of more severe and persisting impacts to the community. Local resources are insufficient to respond to the extreme flooding under the current conditions. State assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of flooding.

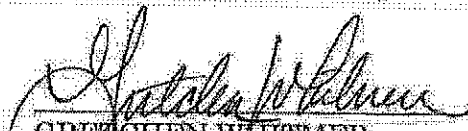
Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists."

Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, I order the following:

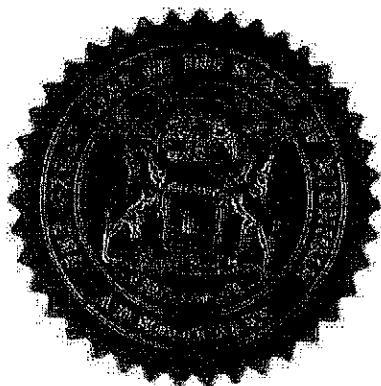
1. A state of emergency is declared for the county of Newaygo.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

8. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than April 16, 2019, unless extended as provided by the Emergency Management Act.

Date: March 19, 2019


 GRETCHEN WHITMER
 GOVERNOR

By the Governor




 SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 3/19/19 AT 9:15 am

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-11

Declaration of State of Emergency

This week southeastern Michigan experienced heavy and damaging rainfall. Wayne County was among the most severely impacted areas. This event created dangerous flooding throughout many areas of Wayne County and caused power outages, hazardous driving conditions, and increased emergency vehicle response time due to inaccessible roadways and bridges. According to the National Weather Service, a flood watch remains in effect through the morning of Friday, May 3, 2019.

In response, Wayne County has taken several actions that include declaring a local state of emergency; activating its disaster response and recovery operation; evacuating and providing shelter to affected residents; and issuing emergency public information. The assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert more severe and lasting harm to the community.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists." Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for Wayne County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.
3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than May 13, 2019, unless extended as provided by 1976 PA 390, as amended.

Given under my hand and the great seal of the State of Michigan.

Date: May 3, 2019


GRETCHEN WHITMER
GOVERNOR



By the Governor:


FELLYN BENSON
SECRETARY OF STATE

SECRETARY
OF THE SENATE

2019 MAY -3 A 8:54

FILED WITH SECRETARY OF STATE

ON 5/3/19 AT 8:36 A.M.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-12

Declaration of State of Emergency

Beginning on May 25, 2019, Tuscola County experienced heavy and damaging rainfall resulting in widespread flooding, washed out roadways, culvert failures, hazardous driving conditions, and increased emergency vehicle response times due to inaccessible roadways and bridges.

Tuscola County has taken several actions to respond to this incident, which include: declaring a local state of emergency; activating its disaster response and recovery operation; issuing emergency public information; and providing aid to impacted residents. In addition to these efforts, state assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of flooding.

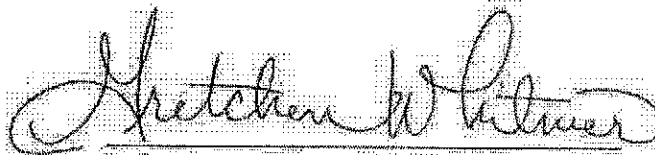
Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists." Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for Tuscola County.
2. The Emergency Management and Homeland Security Division of the Department of State Police will coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area under the Michigan Emergency Management Plan.
3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than Thursday, June 27, 2019, unless extended as provided by the Emergency Management Act.



Given under my hand and the great seal of the State of Michigan,

Date: June 3, 2019



GRETCHEN WHITMER
GOVERNOR

By the Governor:



SECRETARY OF STATE

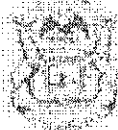


2019 JUN -3 A 10:03

SECRETARY
OF THE STATE

FILED WITH SECRETARY OF STATE

ON 6/3/19 AT 9:52 A.M.



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-17

Declaration of State of Emergency

On July 20, 2019 Lake County experienced heavy rainfall which resulted in widespread flooding, washed-out roadways and bridges, and damage to homes. Due to these conditions, additional actions are necessary to protect public health, safety, and property.

The county and several municipalities have taken several actions to cope with the situation, including but not limited to declaring a local state of emergency, activating the disaster response and recovery aspects of their emergency operations plan, issuing emergency public information, evacuating and providing shelter to impacted residents, and repairing damaged roads.

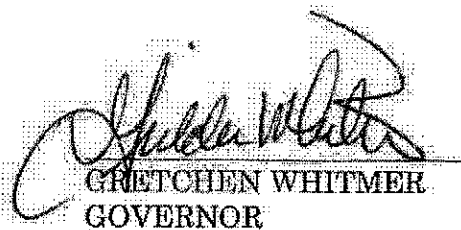
Despite these measures, local resources have been insufficient to respond to the situation and the assistance of the state is required to protect public health, safety, and property, and to lessen or avert the threat of more severe and persisting impacts to the community.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), "[t]he Governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists." Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for Lake County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.
3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than August 23, 2019, unless extended as provided by the Emergency Management Act.

Given under my hand and the great seal of the State of Michigan,

Date: July 29, 2019


GRETCHEN WHITMER
GOVERNOR

By the Governor:




Jocelyn Benson
SECRETARY OF STATE

2019 JUL 29 P 2:58

SECRETARY
OF THE SENATE

FILED WITH SECRETARY OF STATE

ON 7/29/19 AT 2:44 P.M.

EXECUTIVE ORDER No. 2010 - 6

DECLARATION OF STATE OF EMERGENCY MONROE COUNTY

WHEREAS, a series of severe storms moved through southern Michigan between June 5 and June 6, 2010, causing significant damage to buildings, trees, electrical power lines, roads, and drains;

WHEREAS, the Village of Dundee, the Township of Dundee, Frenchtown Charter Township, the Village of Estral Beach, and other local areas in Monroe County suffered particularly severe damage from this storm including very substantial damage to residences and commercial buildings;

WHEREAS, on June 6, 2010, Monroe County declared a local state of emergency and requested state assistance;

WHEREAS, the Michigan Department of State Police immediately activated the state emergency operations center to provide logistical support and assistance and deployed state resources to the affected area including additional state police troopers to assist with traffic control and law enforcement issues, Michigan Department of Transportation personnel and equipment to assist with clearing state highways and trunk lines, and emergency management personnel to provide support at the county emergency operations center;

WHEREAS, on June 8, 2010, the Michigan State Police received a request from the Monroe County asking for a state declaration of emergency and for state resources to assist with local clean up and recovery efforts;

WHEREAS, the Emergency Management Act, 1976 PA 390, MCL 30.403 to 30.421, authorizes the Governor to declare a state of emergency when she finds that an emergency has occurred or the threat of emergency exists and state assistance is required to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of this state;

WHEREAS, the Monroe County has declared that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Monroe County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Monroe County, and may call upon all state departments to utilize available resources to assist in the emergency area focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 7, 2010.

This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, Two thousand and ten.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

EXECUTIVE ORDER No. 2010 - 7

DECLARATION OF STATE OF DISASTER CALHOUN COUNTY OIL PIPELINE SPILL

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 51 of Article IV of the Michigan Constitution of 1963, the public health and general welfare of the people of this state are declared to be matters of primary public concern;

WHEREAS, under Section 52 of Article IV of the Michigan Constitution of 1963, the conservation and development of the natural resources of this state are declared to be of paramount public concern in the interest of the health, safety and general welfare of the people;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, and 1945 PA 302, MCL 10.31 to 10.33, the Governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency and may issue executive orders, proclamations, and directives having the force and effect of law;

WHEREAS, under Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403, the Governor shall, by executive order or proclamation, declare a state of disaster if the Governor finds that a disaster has occurred or that the threat of a disaster exists;

WHEREAS, an oil spill occurred from an oil pipeline in Calhoun County near Marshall, Michigan on Monday, July 26, 2010;

WHEREAS, although the pipeline has been shut down, a substantial amount of oil has leaked from the pipeline and has entered Talmadge Creek and the Kalamazoo River;

WHEREAS, local states of emergency have been declared by the City of Battle Creek and Calhoun County, and state, local, and federal emergency response agencies have been activated to assist in containing the spill and assure that all possible steps are taken to minimize the impact of this incident on the public;

WHEREAS, I find that a disaster has occurred in Calhoun County that threatens the area downstream along the Kalamazoo River and that immediate action is necessary to protect the public health, safety, and welfare, to safeguard the environment and interests of this State, and to respond to this disaster;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Disaster is declared in Calhoun County and potentially affected areas along the Kalamazoo River downstream of Talmadge Creek.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local governments and officials in the affected areas and may call upon all state departments and agencies to utilize available resources to assist in the affected areas focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.
3. The State of Disaster is terminated at such time as disaster conditions no longer exist and appropriate programs have been implemented to recover from the effects of the disaster conditions but in no case later than Tuesday, August 24, 2010.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 27th day of July in the year of our Lord, two thousand and ten.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

Related Documents

> EXECUTIVE ORDER No. 2010 - 7 - 52091 bytes PDF

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EXECUTIVE ORDER No. 2009 - 37

DECLARATION OF EMERGENCY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of disaster exists;

WHEREAS, under Section 2 of the Emergency Management Act, 1976 PA 390, MCL 30.402, a disaster includes an occurrence of "severe damage, injury, or loss of life or property resulting from a natural or human-made cause" and specifically includes damage resulting from a "major transportation accident";

WHEREAS, under Section 2 of the Emergency Management Act, 1976 PA 390, MCL 30.402, an emergency includes any occasion or instance in which the Governor determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state

WHEREAS, on July 15, 2009, an explosion occurred on Interstate 75 at 9 Mile Road in Oakland County, Michigan, as a result of a fuel tanker truck crash, causing serious and extensive damage to state road systems including road surfaces and bridges, necessitating immediate and emergency repairs;

WHEREAS, the damage occurred on a federal-aid highway;

WHEREAS, under 23 USC 125, a federal emergency fund is authorized for expenditure by the United States Secretary of Transportation for the repair or reconstruction of highways and roads that the Secretary finds have suffered serious damage as a result of catastrophic failure from any external cause provided that an application for such funds is made by a state transportation department and an emergency has been declared by the Governor and concurred in by the Secretary;

WHEREAS, under 23 USC 120(e), the United States Secretary of Transportation is authorized to provide up to 100% of the cost of emergency repairs under 23 USC 125 where those repairs are intended to minimize damage, protect facilities, or restore essential traffic within 180 days after the actual occurrence of the natural disaster or catastrophic failure;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of power and authority vested in the Governor by the Michigan Constitution of 1963, Michigan law, and 23 USC 125 and 120(e), proclaim and order:

A. An emergency is declared on Interstate 75 at 9 Mile Road in Oakland County as a result of the July 15, 2009 explosion and consequent damage to the road and bridge surfaces and structures, immediate repairs are necessary to minimize damage, protect facilities, and restore essential traffic, and the repair and reconstruction of the damaged highway is vital to the security, well-being, and health of the citizens of this state. A copy of this order shall be transmitted to the United States Secretary of Transportation and the Secretary is requested to concur in this declaration of emergency.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 21st day of July in the year of our Lord, two thousand and nine.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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(To Print: use your browser's print function)

EXECUTIVE ORDER No. 2008-4

**DECLARATION OF STATE OF EMERGENCY
MASON COUNTY**

WHEREAS, on June 12, 2008, a series of severe storms moved across northwestern lower Michigan, spawning at least one tornado and to buildings, trees, electrical power lines, roads, culverts, a municipal sewer system, and public drains;

WHEREAS, the county of Mason suffered widespread and severe damage from the winds and heavy rains of this storm including damage to residences, as well as to numerous roads, culverts, a sewer system, and public drains;

WHEREAS, the excessive rainfall has washed out portions of major roads within and around the county of Mason, including shoulder to shoulder portions of US-31, thus rendering such roads impassable and impeding emergency service access;

WHEREAS, numerous other roads and streets within the county of Mason remain impassable due to the flooding damage and impede emergency service access;

WHEREAS, the county suffered significant damage to the county's public drains and the city of Ludington's sewer system which poses a significant threat to public health and safety;

WHEREAS, the county of Mason has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Mason County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Mason County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 10, 2008.

Given under my hand and the Great Seal of the State of Michigan this 13th day of June in the year of our Lord, Two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-5

**DECLARATION OF STATE OF EMERGENCY
CITY OF LANSING, INGHAM COUNTY**

WHEREAS, a series of severe storms moved through central and southern Lower Michigan between June 6, 2008 and June 8, 2008, causing significant damage to buildings, trees, electrical power lines, roads, and drains;

WHEREAS, the city of Lansing suffered widespread and severe damage from these storms including damage to over 175 residential and commercial structures and public buildings;

WHEREAS, numerous streets, alleys, and sidewalks within the city of Lansing remain partially blocked by fallen trees and other storm debris resulting in impeded emergency access;

WHEREAS, the remaining storm debris within the city of Lansing poses a significant threat to public health and safety, and creates potentially hazardous traffic conditions;

WHEREAS, the city of Lansing has declared a local state of emergency and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the city of Lansing has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in the city of Lansing in Ingham County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in the city of Lansing, Ingham County, and may call upon all state departments to utilize available resources to assist in the emergency area focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 10, 2008.

Given under my hand and the Great Seal of the State of Michigan this 13th day of June in the year of our Lord, Two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-6

**DECLARATION OF STATE OF EMERGENCY
ALLEGAN COUNTY**

WHEREAS, a series of severe storms moved through central and southern lower Michigan between June 6, 2008 and June 8, 2008, causing significant damage to buildings, trees, electrical power lines, roads, and drains;

WHEREAS, the county of Allegan suffered widespread and severe damage from the winds and heavy rains of this storm including damage to over 41 residences, as well as to roads, a number of culverts, and public drains;

WHEREAS, numerous streets and roads within the county of Allegan remain impassable due to the flooding damage and impede emergency service access;

WHEREAS, remaining storm debris within public drains poses a threat to public health and safety;

WHEREAS, residences along Lakeshore Drive have been evacuated and remain inaccessible due to roadway erosion and broken gas lines;

WHEREAS, the county of Allegan has declared a local state of emergency for the city of Fenton and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Allegan has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Allegan County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Allegan County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 10, 2008.

Given under my hand and the Great Seal of the State of Michigan this 13th day of June in the year of our Lord, Two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-7

**DECLARATION OF STATE OF EMERGENCY
EATON COUNTY**

WHEREAS, a series of severe storms moved through central and southern lower Michigan between June 6, 2008 and June 8, 2008, causing significant damage to buildings, trees, electrical power lines, roads, and drains;

WHEREAS, numerous structures within the county of Eaton suffered property damage from this storm including damage to 49 residences and one commercial building;

WHEREAS, 13 roads within the county remain closed due to flooding and washouts and impede emergency service access;

WHEREAS, remaining storm debris poses a significant threat to public health and safety;

WHEREAS, the county of Eaton has declared a local state of emergency for the county of Eaton and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Eaton has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Eaton County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Eaton County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 10, 2008.

Given under my hand and the Great Seal of the State of Michigan this 13th day of June in the year of our Lord, Two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-8

**DECLARATION OF STATE OF EMERGENCY
CITY OF SAGINAW, SAGINAW COUNTY**

WHEREAS, a series of severe storms moved through central and southern lower Michigan between June 6, 2008 and June 8, 2008, causing significant damage to buildings, trees, electrical power lines, roads, and drains;

WHEREAS, the city of Saginaw suffered widespread and severe damage from this storm including damage to over 16 residences and two commercial buildings;

WHEREAS, 500 blocks and approximately 600 sites within the city of Saginaw including streets, alleys, and sidewalks have been blocked by as many as 1000 fallen trees and other storm debris resulting in greatly impeded emergency access;

WHEREAS, remaining storm debris within the city of Saginaw poses a significant threat to public health and safety;

WHEREAS, the county of Saginaw has declared a local state of emergency for the city of Saginaw and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Saginaw has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in the city of Saginaw in Saginaw County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in the city of Saginaw, Saginaw County, and may call upon all state departments to utilize available resources to assist in the emergency area focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 10, 2008.

Given under my hand and the Great Seal of the State of Michigan this 13th day of June in the year of our Lord, Two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-10

AMENDMENT OF EXECUTIVE ORDER 2008-4

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, on June 13, 2008, a state of emergency was declared for the county of Mason by Executive Order 2008-4;

WHEREAS, it is necessary and desirable to amend the first paragraph of Executive Order 2008-4;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that the first paragraph of Executive Order 2008-4 be amended to read as follows:

"WHEREAS, on June 12, 2008, a series of severe storms moved across northwestern lower Michigan, spawning at least one tornado and causing significant damage to buildings, trees, electrical power lines, roads, culverts, a municipal sewer system, and public drains;"

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 16th day of June in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

Secretary of State

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EXECUTIVE ORDER No. 2008-11

AMENDMENT OF EXECUTIVE ORDER 2008-6

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, on June 13, 2008, a state of emergency was declared for the county of Allegan by Executive Order 2008-6;

WHEREAS, it is necessary and desirable to amend the sixth paragraph of Executive Order 2008-6;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that the sixth paragraph of Executive Order 2008-6 be amended to read as follows:

"WHEREAS, the county of Allegan has declared a local state of emergency and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;"

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 16th day of June in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

Secretary of State

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EXECUTIVE ORDER No. 2008-12

**DECLARATION OF STATE OF EMERGENCY
OSCEOLA COUNTY**

WHEREAS, a series of severe storms moved through central and southern lower Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, spawning at least one tornado and causing significant damage to buildings, trees, electrical power lines, roads, culverts, public drains, and bridges;

WHEREAS, the county of Osceola suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to over 145 residences, 3 businesses, as well as to roads, culverts, and bridges;

WHEREAS, the damage to roads, culverts, and bridges impedes emergency service access and poses a significant threat to public health and safety;

WHEREAS, the county of Osceola has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Osceola has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Osceola County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Osceola County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-13

**DECLARATION OF STATE OF EMERGENCY
OTTAWA COUNTY**

WHEREAS, a series of severe storms moved across central Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, causing significant damage to buildings, trees, electrical power lines, roads, culverts, and public drains;

WHEREAS, the county of Ottawa suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to over 261 residences, 11 businesses, as well as to roads, culverts, and public drains;

WHEREAS, remaining storm debris within public drains poses a significant threat to public health and safety;

WHEREAS, the county of Ottawa has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Ottawa has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Ottawa County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Ottawa County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-14

**DECLARATION OF STATE OF EMERGENCY
LAKE COUNTY**

WHEREAS, a series of severe storms moved across northwestern lower Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, causing significant damage to buildings, trees, electrical power lines, roads, and culverts;

WHEREAS, the county of Lake suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to roads and culverts;

WHEREAS, the damage to roads and culverts impedes emergency service access and poses a significant threat to public health and safety;

WHEREAS, the county of Lake has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Lake has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Lake County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Lake County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-15

**DECLARATION OF STATE OF EMERGENCY
WEXFORD COUNTY**

WHEREAS, a series of severe storms moved across northwestern lower Michigan, commencing on June 6, 2008 and continuing through June 13, 2008, causing significant damage to buildings, trees, electrical power lines, roads, culverts, and public drains;

WHEREAS, the county of Wexford suffered widespread and severe damage from the winds and heavy rains of this storm, including damage to roads, culverts, and public drains;

WHEREAS, the damage to roads, culverts, and public drains impedes emergency service access and poses a significant threat to public health and safety;

WHEREAS, the county of Wexford has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Wexford has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Wexford County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Wexford County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2008-16

**DECLARATION OF STATE OF EMERGENCY
MANISTEE COUNTY**

WHEREAS, a series of severe storms moved through central lower Michigan commencing on June 6 and continuing through June 13, 2008, spawning at least one tornado and causing significant damage to buildings, trees, electrical power lines, roads, culverts, and public drains;

WHEREAS, numerous sites within the city and county of Manistee, including streets, alleys, and sidewalks, have been blocked by as many as 1000 fallen trees and other storm debris resulting in greatly impeded emergency access;

WHEREAS, the county of Manistee suffered widespread and severe damage from the winds and heavy rains of this storm including damage to roads and a number of culverts and blockage to public drains;

WHEREAS, remaining storm debris within the county of Manistee poses a significant threat to public health and safety;

WHEREAS, the damage to roads and culverts impedes emergency access and poses a significant threat to public health and safety;

WHEREAS, the county of Manistee has declared a local state of emergency for the county and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the county of Manistee has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Manistee County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Manistee County, and may call upon all state departments to utilize available resources to assist in the emergency area focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 16, 2008.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 19th day of June in the year of our Lord, Two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No. 2007 - 38

**DECLARATION OF A STATE OF EMERGENCY
LUCE COUNTY**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency or threat thereof, and may issue executive orders, proclamations, and directives having the force and effect of law to implement the Act;

WHEREAS, under Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403, the Governor shall, by executive order or proclamation, declare a state of emergency if the Governor finds that an emergency has occurred or that the threat of an emergency exists;

WHEREAS, on August 2, 2007, Luce County sustained widespread and severe damage, and loss of property caused by a wildland fire;

WHEREAS, the wildland fire continues to grow due to exceptionally dry and hot weather conditions and shifting wind patterns, and has thus far consumed more than 16,000 acres of land in Luce County;

WHEREAS, Luce County lacks the financial resources and the man-power to contain the rapidly progressing fire, and has formally requested the Governor to declare a state of emergency and to provide state assistance;

WHEREAS, since August 2, 2007, multiple state and local units of government have worked cooperatively and exhaustively, combining manpower and other resources in attempts to contain the rapidly spreading wildfire;

WHEREAS, despite these valiant efforts, the wildfire is not contained and it continues to destroy forest land in Luce County;

WHEREAS, additional state assistance is needed to supplement existing firefighting capabilities to lessen or avert the threat of a catastrophe, and to protect and preserve the lives and property, and public health and safety in Luce County;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

1. A state of emergency is declared in Luce County.
2. Consistent with the Michigan Emergency Plan, the Director of the Department of State Police, or his or her designee within the Department of State Police, shall coordinate and maximize all state efforts to assist political subdivisions and officials in Luce County and may call upon all state departments and agencies to utilize available resources, including, but not limited to: man-power, supplies, equipment, materials, or facilities, to assist with response to the state of emergency.
3. The state of emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions, but in no case longer than September 5, 2007.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 8th day of August, in the year of our Lord, two thousand and seven.

JENNIFER M. GRANHOLM
GOVERNOR
BY THE GOVERNOR:

SECRETARY OF STATE

www.legislature.mi.gov/doc.aspx/mcl-111e09

EXECUTIVE ORDER No. 2007 - 40

DECLARATION OF STATE OF EMERGENCY CITY OF FENTON, GENESEE COUNTY

WHEREAS, a severe storm moved through southern Michigan in the late afternoon of August 24, 2007, spawning several tornados and causing significant damage to buildings, trees, and electrical power lines;

WHEREAS, the city of Fenton suffered widespread and severe damage from this storm including damage to over 200 residences and 30 commercial buildings, as well as to Fenton's city hall, schools, and police department;

WHEREAS, numerous streets and roads within the city of Fenton remain blocked by fallen trees and other storm debris;

WHEREAS, the county of Genesee has declared a local state of emergency for the city of Fenton and has activated the disaster response and recovery aspects of their emergency operations plan to the fullest extent possible to cope with the situation;

WHEREAS, the County has determined that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in the city of Fenton in Genesee County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in the city of Fenton, Genesee County, and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than September 22, 2007.

Given under my hand and the Great Seal of the State of Michigan this 25th day of August in the year of our Lord, Two thousand and seven.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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EXECUTIVE ORDER No.2006 - 6

DECLARATION OF STATE OF EMERGENCY

WHEREAS, a severe storm moved through central Lower Michigan between the night of Wednesday, February 15, 2006 and the early morning hours of Friday, February 17, 2006, causing significant damage to trees and electrical power lines due to high winds and ice accumulation;

WHEREAS, the areas primarily affected are the cities of Greenville and Stanton, as well as numerous townships in the county of Montcalm;

WHEREAS, the severe winds and ice accumulation downed numerous trees and electrical power lines and caused damage to water and wastewater infrastructure, public buildings, schools, and publicly owned utility systems within the affected local jurisdictions;

WHEREAS, the downed trees create a significant debris clearance and removal problem that poses a threat to the safety and well being of the public, creates potentially hazardous traffic conditions, and could cause difficulties with snow removal operations;

WHEREAS, the county of Montcalm has declared a local state of emergency and activated the disaster response and recovery aspects of their emergency operations plan to cope with the situation;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Montcalm County.
2. The Emergency Management Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local governments and officials in Montcalm County and may call upon all state departments to utilize available resources to assist in the emergency area consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions, but in no case longer than March 23, 2006.

Given under my hand and the Great Seal of the State of Michigan this 24th day of February in the year of our Lord, Two thousand and six.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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Release Date: July 28, 2006

Last Update: July 28, 2006

EXECUTIVE ORDER No.2006 - 17

**DECLARATION OF A STATE OF EMERGENCY
OSCODA COUNTY**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.402, the Governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency and may issue executive orders, proclamations, and directives having the force and effect of law to implement the Act;

WHEREAS, under Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403, the Governor shall, by executive order or proclamation, declare a state of emergency if the Governor finds that an emergency has occurred or that the threat of an emergency exists;

WHEREAS, on July 17, 2006, a series of severe thunderstorms passed through Oscoda County, Michigan, dropping between three and five inches of rain in two hours;

WHEREAS, the excessive rainfall seriously damaged three primary county roads located within the townships of Elmer and Big Creek, requiring that they be closed to traffic;

WHEREAS, Oscoda County lacks the financial resources to rapidly repair and re-open the roads so that emergency vehicles can have ready access to the affected areas;

WHEREAS, state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in Oscoda County;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

1. A State of Emergency is declared in Oscoda County.
2. Consistent with the Michigan Emergency Plan, the Director of the Department of State Police, or his or her designee within the Department of State Police, shall coordinate and maximize all state efforts to assist political subdivisions and officials in Oscoda County and may call upon all state departments and agencies to utilize available resources, including, but not limited to, supplies, equipment, materials, or facilities, to assist with response to the State of Emergency.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions, but in no case longer than August 25, 2006.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 28th day of July, in the year of our Lord, two thousand and six.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

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Release Date: September 04, 2005

Last Update: September 06, 2005

EXECUTIVE ORDER No.2005 - 21

DECLARATION OF STATE OF DISASTER

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of disaster exists;

WHEREAS, under the Section 2 of the Emergency Management Act, a disaster means an "occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause, including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riot s, or civil disorders";

WHEREAS, the destruction caused by Hurricane Katrina in the Gulf Coast region has resulted in numerous fatalities, injuries, and major devastation in the States of Louisiana, Mississippi, and Alabama;

WHEREAS, significant relief efforts are necessary to protect the public health, to preserve public safety, and to restore the social and economic welfare of persons impacted by the storm;

WHEREAS, the assistance of state governments throughout much of the United States, including Michigan, have been requested to assist with relief efforts in response to Hurricane Katrina;

WHEREAS, a Declaration of State of Disaster is necessary to activate Michigan's emergency management plan and enable Michigan to continue providing mutual aid and other state assets to the relief effort;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. To facilitate this state's efforts to respond to the effects of Hurricane Katrina, a State of Disaster is declared.
2. The State of Disaster continues in effect until the earliest of the following:
 - a. The Governor finds that the threat or danger has passed.
 - b. The Governor finds that the disaster has been dealt with to the extent that disaster conditions no longer exist.
 - c. October 2, 2005.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 4th day of September in the year of our Lord, two thousand and five.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST
LT. GOVERNOR

SECRETARY OF SENATE
2020 JUL 30 AM 9:40

EXECUTIVE ORDER

No. 2020-160

Amended Safe Start Order

Rescission of Executive Orders 2020-110, 2020-115, 2020-120, 2020-133, and 2020-143

Where Michigan was once among the states most heavily hit by COVID-19, our per-capita rate of new daily cases is now roughly one-third of the national average. Our progress in suppressing the disease, however, appears to have stalled. Cases have risen over the past month—from a rolling seven-day average of 354 cases per day on June 30 to 692 cases on July 28, a two-fold increase.

The virus's resurgence is closely associated with super-spreading events at large social gatherings, often attended by young people. More than 50 cases have been linked to a single house party in Saline; an outbreak at a Lansing bar has resulted in 187 infections; and a sandbar party at Torch Lake over the July 4 weekend led to at least 43 confirmed cases.

We cannot afford to relax our vigilance if we hope to restart our economy, open our schools, and avoid a second wave. This executive order therefore prohibits any indoor social gatherings of more than 10 people statewide. At the same time, the order also closes bars across the state, including in the Traverse City region and the Upper Peninsula. For the time being, Michiganders must curtail their social gatherings for the good of the community.

As a matter of housekeeping, I am also rescinding a series of prior orders and incorporating them into this comprehensive order governing the activities in Michigan that remain restricted on account of the pandemic. I am taking the occasion, too, to allow for the reopening of the Detroit casinos, subject to a 15% capacity limit and strict workplace safeguards. Casinos have been operating safely across most of the country and in tribal areas in Michigan and should be able to do so in the Detroit region as well.

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On June 18, 2020, I issued Executive Order 2020-127, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights

and protections provided by the EMA. The EMA vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, 2020-110, and 2020-115, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:

1. **Remote work.** Any work that is capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) must be performed remotely.
2. **Workplace safety.** Any business or operation that requires its employees to leave their home or place of residence for work is subject to the rules on workplace safeguards in Executive Order 2020-161 or any order that may follow from it.
3. **Individual responsibility.** Any individual who leaves his or her home or place of residence must:
 - (a) Follow social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances; and
 - (b) Follow the rules described in Executive Order 2020-153 or any order that may follow from it governing masks.
4. **Public accommodations restrictions.** Subject to the exceptions in sections 8 and 9, the following places are closed to entry, use, and occupancy by members of the public:
 - (a) Indoor theaters, cinemas, and performance venues;

- (b) Indoor gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, exercise studios, and the like;
 - (c) Millionaire Parties licensed by the Michigan Gaming Control Board;
 - (d) Until August 5, 2020 at 10 a.m., casinos licensed by the Michigan Gaming Control Board and racetracks licensed by the Michigan Gaming Control Board. After such time, such establishments may operate, subject to the rules on workplace safeguards described in Executive Order 2020-161 or any order that may follow from it; and
 - (e) Indoor services or facilities, or outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes, such as amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, indoor dance areas, skating rinks, trampoline parks, carnival or amusement rides as defined by MCL 408.652(2), water parks, and other similar recreational or entertainment facilities.
5. **Bars.** Food service establishments, as defined in section 1107(t) of the Michigan Food Law, 2000 PA 92, as amended, MCL 289.1107(t), that hold on-premises retailer licenses to sell alcoholic beverages must close for indoor service if they earn more than 70% of their gross receipts from sales of alcoholic beverages.
- (a) Food service establishments that are closed for indoor service but open for outdoor service must prohibit patrons from entering the establishment, except to walk through in order to access the outdoor area, to leave the establishment, or to use the restroom.
 - (b) For purposes of calculating its percentage of gross receipts from sales of alcoholic beverages under section 1, a food service establishment must use:
 - (1) Gross receipts from 2019; or
 - (2) If the establishment was not in operation in 2019, gross receipts from the date the establishment opened in 2020.
6. **Liquor license restrictions.** Dance and topless activity permits issued under subsections 2 or 3 of section 916 of the Michigan Liquor Control Code, 1998 PA 58, as amended, MCL 436.1916(2) and (3), are temporarily suspended. Combination dance–entertainment permits and topless activity–entertainment permits issued under subsection 4 of section 916 of the Michigan Liquor Control Code, MCL 436.1916(4), are suspended to the extent they allow dancing and topless activity, but remain valid to the extent they allow other entertainment.
- (a) In enforcing the Michigan Liquor Control Code, the Michigan Liquor Control Commission will consider whether the public health, safety or welfare requires summary, temporary suspension of a license under section 92 of the

Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2).

- (b) Nothing in this order or in Executive Order 2020-161 prevents food service establishments from selling alcoholic beverages for off-premises consumption to patrons who are not seated at a table, or to require such patrons to remain seated when ordering such beverages.
- (c) Nothing in this order or in Executive Order 2020-161 prevents the holder of a social district license under section 551 of the Michigan Liquor Control Code, 1998 PA 58, as amended, MCL 436.1551:
 - (1) From selling alcoholic beverages for consumption in a commons area within a designated social district to patrons who are not seated at a table; or
 - (2) To require such patrons to remain seated when ordering such beverages.

7. Rules on gatherings, events, and large venues.

- (a) A social gathering or organized event among persons not part of the same household is permitted, but only to the extent that:
 - (1) The gathering or event is designed to ensure that persons not part of the same household maintain six feet of distance from one another;
 - (2) Persons not part of the same household maintain six feet of distance from one another;
 - (3) If it is indoors, the gathering or event does not exceed 10 people; and
 - (4) If it is outdoors, the gathering or event does not exceed 100 people.
- (b) Subsection (a) does not apply to the incidental gathering of persons in a shared space, including an airport, bus station, factory floor, restaurant, shopping mall, public pool, or workplace.
- (c) Notwithstanding the restrictions in subsection (a) or in subsections 8(c) or 8(d), professional sports leagues and teams, including professional athletes engaged in individual sports, may resume operations, provided that:
 - (1) No live audiences are allowed, except for staff of the facility at which a sporting event is held and media personnel reporting on, filming, or otherwise documenting the sporting event;
 - (2) The activities are conducted pursuant to a COVID-19 safety plan that is consistent with any guidance from the Centers for Disease Control and Prevention and the Michigan Department of Health and Human Services; and

(3) Participants maintain six feet of distance from one another to the extent compatible with the sporting activity.

(d) The restrictions described in subsection (a)(3) do not apply to polling places.

8. Regions 6 and 8.

(a) The restrictions described in section 4 of this order do not apply in Regions 6 and 8.

(b) Notwithstanding section 7(a)(4) of this order, an outdoor social gathering or outdoor organized event among persons not part of the same household is permitted in Regions 6 and 8, but only to the extent that the gathering or event does not exceed 250 people and complies with subsection 7(a)(1) and 7(a)(2) of this order.

(c) In Regions 6 and 8, and notwithstanding the restrictions in section 7(a), an indoor arcade, bowling alley, cinema, climbing facility, convention center, performance space, meeting hall, sports arena, theater, or similar indoor venue may be open to spectators or patrons, but only to the extent that it:

(1) Arranges the venue such that persons not part of the same household may maintain six feet of distance from one another at all times while in the venue; and

(2) Limits the number of people in the venue to 25% of its maximum capacity or to 250, whichever is smaller. For purposes of this order, each separate auditorium or screening room is a separate venue.

(d) In Regions 6 and 8, and notwithstanding the restrictions in section 8(b), an outdoor concert space, race track, sports arena, stadium, or similar outdoor venue may, be open to spectators or patrons, but only to the extent that it:

(1) Arranges the venue such that persons not part of the same household may maintain six feet of distance from one another at all times while in the venue; and

(2) Limits the number of people in the venue to 25% of its maximum capacity or to 500, whichever is smaller.

9. Exceptions. The restrictions imposed by sections 4 of this order do not apply to any of the following:

(a) If they are outdoors, fitness classes, athletic practices, training sessions, or games, provided that coaches, spectators, and participants not from the same household maintain six feet of distance from one another at all times during such activities, and that equipment and supplies are shared to the minimum extent possible and are subject to frequent and thorough disinfection and cleaning;

- (b) Services necessary for medical treatment as determined by a licensed medical provider;
 - (c) Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
 - (d) Crisis shelters or similar institutions;
 - (e) Food courts inside the secured zones of airports; and
 - (f) Employees, contractors, vendors, or suppliers who enter, use, or occupy the places described in section 4 of this order in their professional capacity.
10. **Parks.** Unless otherwise prohibited by local regulation, outdoor parks and recreational facilities may be open, provided that they make any reasonable modifications necessary to enable employees and patrons not part of the same household to maintain six feet of distance from one another, and provided that areas in which social distancing cannot be maintained be closed, subject to guidance issued by the Michigan Department of Health and Human Services.
11. **Pools.** Unless otherwise prohibited by local regulation, public swimming pools, as defined by MCL 333.12521(d), may be open, subject to guidance issued by the Department of Health and Human Services, provided that:
- (a) If they are outdoors, they limit capacity to 50% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code;
 - (b) If they are indoors and located in Regions 6 or 8, they limit capacity to 25% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code;
 - (c) If they are indoors and located outside of Regions 6 or 8, they open only for infant and child drowning prevention classes and limit capacity to 25% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code; and
 - (d) They limit capacity on the pool deck to ensure that persons not part of the same household maintain six feet of distance from one another.
12. **Region definitions.** For purposes of this order, Michigan comprises eight separate regions.
- (a) Region 1 includes the following counties: Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne.
 - (b) Region 2 includes the following counties: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia.

- (c) Region 3 includes the following counties: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch.
 - (d) Region 4 includes the following counties: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron.
 - (e) Region 5 includes the following counties: Gratiot, Clinton, Shiawassee, Eaton, and Ingham.
 - (f) Region 6 includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.
 - (g) Region 7 includes the following counties: Hillsdale, Lenawee, and Jackson.
 - (h) Region 8 includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.
13. **Separation of powers.** Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances.
14. **Religious worship.** Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 17 of this order for allowing religious worship at such place. No individual is subject to penalty under section 17 of this order for engaging in religious worship at a place of religious worship.
15. **Effective date.** Except as otherwise specified, this order takes effect at 12:01 a.m. on July 31, 2020. At that time, Executive Orders 2020-110, 2020-115, 2020-120, 2020-133, and 2020-143 are rescinded. Except as otherwise specified, nothing in this order supersedes any other executive order.
16. **Future orders.** In determining whether to maintain, intensify, or relax the restrictions in this order, I will consider, among other factors, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.
17. **Penalty.** Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.



Date: July 29, 2020

Time: 5:31pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST
LT. GOVERNOR

EXECUTIVE ORDER

No. 2020-161

Safeguards to protect Michigan's workers from COVID-19

Rescission of Executive Order 2020-145

Businesses must continue to do their part to protect their employees, their patrons, and their communities. Many businesses have already done so by implementing robust safeguards to prevent viral transmission. But we can and must do more: no one should feel unsafe at work. With Executive Orders 2020-91, 2020-97, 2020-114, and 2020-145, I created workplace standards that apply to all businesses across the state. I am now rescinding and reissuing an amended version of those standards to add a new section on casinos.

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the

State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On June 18, 2020, I issued Executive Order 2020-127, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective. Although the virus remains aggressive and persistent—on July 28, Michigan reported a total of 79,176 confirmed cases and 6,170 deaths—the strain on our health care system has relented, even as our testing capacity has increased. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly one third to the national average.

Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:

1. All businesses or operations that require their employees to leave the homes or residences for work must, at a minimum:
 - (a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration (“OSHA”) and available [here](#). Within two weeks of resuming in-person activities, a business’s or operation’s plan must be made readily available to employees, labor unions, and customers, whether via website, internal network, or by hard copy.
 - (b) Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed under subsection (a). The supervisor must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.
 - (c) Provide COVID-19 training to employees that covers, at a minimum:
 - (1) Workplace infection-control practices.
 - (2) The proper use of personal protective equipment.
 - (3) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - (4) How to report unsafe working conditions.
 - (d) Provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.
 - (e) Place posters in the languages common in the employee population that encourage staying home when sick, cough and sneeze etiquette, and proper hand hygiene practices.
 - (f) Conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.

- (g) Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.
- (h) Provide non-medical grade face coverings to their employees, with supplies of N95 masks and surgical masks reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.
- (i) Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.
- (j) Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.
- (k) Increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).
- (l) Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.
- (m) Make cleaning supplies available to employees upon entry and at the worksite and provide time for employees to wash hands frequently or to use hand sanitizer.
- (n) When an employee is identified with a confirmed case of COVID-19:
 - (1) Immediately notify the local public health department, and
 - (2) Within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a confirmed case of COVID-19.
- (o) An employer will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention ("CDC") and they are released from any quarantine or isolation by the local public health department.
- (p) Follow Executive Order 2020-36, and any executive orders that follow it, that prohibit discharging, disciplining, or otherwise retaliating against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19.
- (q) Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the workplace to allow for deep cleaning.

- (r) Restrict business-related travel for employees to essential travel only.
 - (s) Encourage employees to use personal protective equipment and hand sanitizer on public transportation.
 - (t) Promote remote work to the fullest extent possible.
 - ~~(u) Adopt any additional infection-control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.~~
2. Businesses or operations whose work is primarily and traditionally performed outdoors must:
- (a) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.
 - (b) Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another.
 - (c) Provide and require the use of personal protective equipment such as gloves, goggles, face shields, and face coverings, as appropriate for the activity being performed.
 - (d) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.
3. Businesses or operations in the construction industry must:
- (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.
 - (b) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in sub-provision (b) of this section, or in the alternative issue stickers or other indicators to employees to show that they received a screening before entering the worksite that day.
 - (c) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled face coverings.
 - (d) Require the use of work gloves where appropriate to prevent skin contact with contaminated surfaces.

- (e) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.
 - (f) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees.
 - ~~(g) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among employees at the worksite.~~
 - (h) Restrict unnecessary movement between project sites.
 - (i) Create protocols for minimizing personal contact upon delivery of materials to the worksite.
4. Manufacturing facilities must:
- (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.
 - (b) Create dedicated entry point(s) at every facility for daily screening as provided in sub-provision (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.
 - (c) Suspend all non-essential in-person visits, including tours.
 - (d) Train employees on, at a minimum:
 - (1) Routes by which the virus causing COVID-19 is transmitted from person to person.
 - (2) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
 - (3) The use of personal protective equipment, including the proper steps for putting it on and taking it off.
 - (e) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.
 - (f) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of employees in the facility at the same time.

- (g) Stagger meal and break times, as well as start times at each entrance, where possible.
 - (h) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
 - (i) Create protocols for minimizing personal contact upon delivery of materials to the facility.
 - (j) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
 - (k) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue use of hand dryers.
 - (l) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.
 - (m) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.
 - (n) Require employees to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.
 - (o) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because he or she is displaying symptoms of COVID-19.
5. Research laboratories, other than laboratories that perform diagnostic testing, must:
- (a) Assign dedicated entry point(s) or times into lab buildings.
 - (b) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.
 - (c) Create protocols or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan.
 - (d) Suspend all non-essential visitors.
 - (e) Establish and implement a plan for distributing face coverings.
 - (f) Limit the number of people per square feet of floor space permitted in a particular laboratory at one time.

- (g) Close open workspaces, cafeterias, and conference rooms.
 - (h) As necessary, use tape on the floor to demarcate socially distanced workspaces and to create one-way traffic flow.
 - (i) Require all office and dry lab work to be conducted remotely.
 - (j) Minimize the use of shared lab equipment and shared lab tools and create protocols for disinfecting lab equipment and lab tools.
 - (k) Provide disinfecting supplies and require employees to wipe down their work stations at least twice daily.
 - (l) Implement an audit and compliance procedure to ensure that cleaning criteria are followed.
 - (m) Establish a clear reporting process for any symptomatic individual or any individual with a confirmed case of COVID-19, including the notification of lab leaders and the maintenance of a central log.
 - (n) Clean and disinfect the work site when an employee is sent home with symptoms or with a confirmed case of COVID-19.
 - (o) Send any potentially exposed co-workers home if there is a positive case in the facility.
 - (p) Restrict all non-essential work travel, including in-person conference events.
6. Retail stores that are open for in-store sales, as well as libraries and museums, must:
- (a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.
 - (b) Establish lines to regulate entry in accordance with subsection (c) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.
 - (c) Except in Regions 6 and 8, adhere to the following restrictions:
 - (1) Stores of less than 50,000 square feet of customer floor space must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal.

- (2) Stores of more than 50,000 square feet must:
 - (A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.
 - (B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions such as heart disease, diabetes, and lung disease.
- (3) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.
- (d) Post signs at store entrances instructing customers of their legal obligation to wear a face covering when inside the store.
- (e) Post signs at store entrances informing customers not to enter if they are or have recently been sick.
- (f) Design spaces and store activities in a manner that encourages employees and customers to maintain six feet of distance from one another.
- (g) Install physical barriers at checkout or other service points that require interaction, including plexiglass barriers, tape markers, or tables, as appropriate.
- (h) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.
- (i) Train employees on:
 - (1) Appropriate cleaning procedures, including training for cashiers on cleaning between customers.
 - (2) How to manage symptomatic customers upon entry or in the store.
- (j) Notify employees if the employer learns that an individual (including a customer or supplier) with a confirmed case of COVID-19 has visited the store.
- (k) Limit staffing to the minimum number necessary to operate.
- 7. Offices must:
 - (a) Assign dedicated entry point(s) for all employees to reduce congestion at the main entrance.

- (b) Provide visual indicators of appropriate spacing for employees outside the building in case of congestion.
 - (c) Take steps to reduce entry congestion and to ensure the effectiveness of screening (e.g., by staggering start times, adopting a rotational schedule in only half of employees are in the office at a particular time).
 - (d) Increase distancing between employees by spreading out workspaces, staggering workspace usage, restricting non-essential common space (e.g., cafeterias), providing visual cues to guide movement and activity (e.g., restricting elevator capacity with markings).
 - (e) Prohibit social gatherings and meetings that do not allow for social distancing or that create unnecessary movement through the office. Use virtual meetings whenever possible.
 - (f) Provide disinfecting supplies and require employees wipe down their work stations at least twice daily.
 - (g) Post signs about the importance of personal hygiene.
 - (h) Disinfect high-touch surfaces in offices (e.g., whiteboard markers, restrooms, handles) and minimize shared items when possible (e.g., pens, remotes, whiteboards).
 - (i) Institute cleaning and communications protocols when employees are sent home with symptoms.
 - (j) Notify employees if the employer learns that an individual (including a customer, supplier, or visitor) with a confirmed case of COVID-19 has visited the office.
 - (k) Suspend all non-essential visitors.
 - (l) Restrict all non-essential travel, including in-person conference events.
8. Restaurants and bars must:
- (a) Limit capacity to 50% of normal seating.
 - (b) Require six feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put up chairs or barstools that are not in use).
 - (c) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering).
 - (d) Require patrons to remain seated at their tables or bar tops, except to enter or exit the premises, to order food, or to use the restroom.

- (e) Sell alcoholic beverages only via table service, not via orders at the bar except to patrons seated at the bar.
- (f) Prohibit access to common areas in which people can congregate, dance, or otherwise mingle.
- (g) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.
- (h) Close waiting areas and ask customers to wait in cars whenever possible, or else outside the restaurant or bar, for a notification when their table is ready. Restaurants and bars should take measures to encourage social distancing among those customers waiting for tables who are not waiting in their cars.
- (i) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.
- (j) Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in any lines.
- (k) Post signs at store entrances informing customers not to enter if they are or have recently been sick.
- (l) Post signs instructing customers to wear face coverings until they are seated at their table.
- (m) Require hosts, servers, and staff to wear face coverings in the dining area.
- (n) Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the Food and Drug Administration ("FDA").
- (o) Limit shared items for customers (e.g., condiments, menus) and clean high-contact areas after each customer (e.g., tables, chairs, menus, payment tools).
- (p) Train employees on:
 - (1) Appropriate use of personal protective equipment in conjunction with food safety guidelines.
 - (2) Food safety health protocols (e.g., cleaning between customers, especially shared condiments).
 - (3) How to manage symptomatic customers upon entry or in the restaurant.
- (q) Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the store.

- (r) Close restaurant immediately if an employee shows symptoms of COVID-19, defined as either the new onset of cough or new onset of chest tightness or two of the following: fever (measured or subjective), chills, myalgia, headache, sore throat, or disorders of taste or smell, and perform a deep clean, consistent with guidance from the FDA and the CDC. Such cleaning may occur overnight.
 - (s) Install physical barriers, such as sneeze guards and partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
 - (t) To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, host stands, break rooms, and offices, to maintain at least a six-foot distance between employees.
9. Outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and also including veterinary clinics, must:
- (a) Post signs at entrance(s) instructing patients to wear a face covering when inside.
 - (b) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.
 - (c) Mark waiting rooms to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).
 - (d) Enable contactless sign-in (e.g., sign in on phone app) as soon as practicable.
 - (e) Add special hours for highly vulnerable patients, including the elderly and those with chronic conditions.
 - (f) Conduct a common screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.
 - (g) Place hand sanitizer and face coverings at patient entrances.
 - (h) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.
 - (i) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.
 - (j) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).
 - (k) Employ telehealth and telemedicine to the greatest extent possible.

- (l) Limit the number of appointments to maintain social distancing and allow adequate time between appointments for cleaning.
 - (m) Employ specialized procedures for patients with high temperatures or respiratory symptoms (e.g., special entrances, having them wait in their car) to avoid exposing other patients in the waiting room.
 - (n) Deep-clean examination rooms after patients with respiratory symptoms and clean rooms between all patients.
 - (o) Establish procedures for building disinfection in accordance with CDC guidance if it is suspected that an employee or patient has COVID-19 or if there is a confirmed case.
10. All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must:
- (a) Require their employees (or, if a sole-owned business, the business owner) to perform a daily health screening prior to going to the job site.
 - (b) Maintain accurate appointment record, including date and time of service, name of client, and contact information, to aid with contact tracing.
 - (c) Limit direct interaction with customers by using electronic means of communication whenever possible.
 - (d) Prior to entering the home, inquire with the customer whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone who has been diagnosed with COVID-19. If so, the business or operation must reschedule for a different time.
 - (e) Limit the number of employees inside a home to the minimum number necessary to perform the work in a timely fashion.
 - (f) Gloves should be worn when practical and disposed of in accordance with guidance from the CDC.
11. All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal-care services must:
- (a) Maintain accurate appointment and walk-in records, including date and time of service, name of client, and contact information, to aid with contact tracing.
 - (b) Post signs at store entrances informing customers not to enter if they are or have recently been sick.

- (c) Restrict entry to customers, to a caregiver of those customers, or to the minor dependents of those customers.
 - (d) Require in-use workstations to be separated by at least six feet from one another and, if feasible, separate workstations with physical barriers (e.g., plexiglass, strip curtains).
 - (e) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask customers, if possible, to wait in cars for their appointment to be called.
 - (f) Discontinue all self-service refreshments.
 - (g) Discard magazines in waiting areas and other non-essential, shared items that cannot be disinfected.
 - (h) Mark waiting areas to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).
 - (i) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.
 - (j) Require employees and customers to wear a face covering at all times, except that customers may temporarily remove a face covering when receiving a service that requires its removal. During services that require a customer to remove their face covering, an employee must wear a face shield or goggles in addition to the face covering.
 - (k) Install physical barriers, such as sneeze guards and partitions at cash registers, where maintaining physical distance of six feet is difficult.
 - (l) Cooperate with the local public health department if a confirmed case of COVID-19 is identified in the facility.
12. Sports and entertainment facilities, including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums and theaters, as well as places of public amusement, such as amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, and trampoline parks, must:
- (a) Post signs outside of entrances informing customers not to enter if they are or have recently been sick.
 - (b) Encourage or require patrons to wear face coverings.
 - (c) Establish crowd-limiting measures to meter the flow of patrons (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground or cones to designate social distancing, etc.).

- (d) Use physical dividers, marked floors, signs, and other physical and visual cues to maintain six feet of distance between persons.
 - (e) Limit seating occupancy to the extent necessary to enable patrons not of the same household to maintain six feet of distance from others (e.g., stagger group seating upon reservation, close off every other row, etc.).
 - (f) For sports and entertainment facilities, establish safe exit procedures for patrons (e.g., dismiss groups based on ticket number, row, etc.).
 - (g) For sports and entertainment facilities, to the extent feasible, adopt specified entry and exit times for vulnerable populations, as well as specified entrances and exits.
 - (h) Train employees who interact with patrons (e.g., ushers) on how to:
 - (1) Monitor and enforce compliance with the facility's COVID-19 protocols.
 - (2) Help patrons who become symptomatic.
 - (i) Frequently disinfect high-touch surfaces during events or, as necessary, throughout the day.
 - (j) Disinfect and deep clean the facility after each event or, as necessary, throughout the day.
 - (k) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.
13. Gymnasiums, fitness centers, recreation centers, exercise facilities, exercise studios, and like facilities must:
- (a) Post signs outside of entrances instructing individuals not to enter if they are or have recently been sick.
 - (b) Maintain accurate records, including date and time of event, names of attendees, and contact information, to aid with contact tracing.
 - (c) To the extent feasible, configure workout stations or implement protocols to enable ten feet of distance between individuals during exercise sessions (or six feet of distance with barriers).
 - (d) Reduce class sizes, as necessary, to enable at least six feet of separation between individuals.
 - (e) Provide equipment-cleaning products throughout the gym or exercise facility for use on equipment.

- (f) Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.
- (g) Regularly disinfect exercise equipment, including immediately after use. If patrons are expected to disinfect, post signs encouraging patrons to disinfect equipment.
- (h) Ensure that ventilation systems operate properly.
- (i) Increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.
- (j) Regularly clean and disinfect public areas, locker rooms, and restrooms.
- (k) Close steam rooms and saunas.

14. Meat and poultry processing plants must:

- (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.
- (b) Create at least one dedicated entry point at every facility for daily screening as provided in subsection (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.
- (c) Configure communal work environments so that employees are spaced at least six feet apart in all directions (e.g., side-to-side and when facing one another).
- (d) Require employees to wear a face covering whenever present at the facility, except when removal is necessary to eat or drink.
- (e) Provide clean cloth face coverings or disposable mask options for employees to use when the coverings become wet, soiled, or otherwise visibly contaminated over the course of a workday.
- (f) Use face shields in addition to face coverings as necessary when engineering and administrative controls are difficult to maintain and there may be exposure to other workplace hazards, such as splashes or sprays of liquids on processing lines
- (g) Install physical barriers, such as strip curtains, plexiglass, or other impermeable dividers or partitions, to separate meat and poultry processing employees from each other.
- (h) Take measures to ensure adequate ventilation in work areas to help minimize employees' potential exposures.

- (i) Encourage single-file movement with a six-foot distance between each employee through the facility.
- (j) Stagger employees' arrival, departure, break, and lunch times to avoid congregations of employees in parking areas, locker rooms, lunch areas, and near time clocks.
- (k) Provide visual cues (e.g., floor markings, signs) as a reminder to employees to maintain social distancing.
- (l) Designate employees to monitor and facilitate social distancing on the processing floor.
- (m) Reduce processing capacity or modify the processing or production lines or stagger workers across shifts to minimize the number of employees in the facility at any one time.
- (n) Adopt sick leave policies that discourage employees from entering the workplace while sick and modify any incentive programs that penalize employees for taking sick leave.
- (o) Group employees together in cohorts, if feasible, in a manner that allows a group of employees to be assigned to the same shifts with the same coworkers, so as to minimize contacts between employees in each cohort.
- (p) If an employee becomes or reports being sick, disinfect the workstation used and any tools handled by the employee.
- (q) Provide personal protective equipment that is disposable if possible or else, if reusable equipment is provided, ensure proper disinfection and storage in a clean location when not in use.

15. Casinos must:

- (a) Conduct a daily entry screening protocol for customers, employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.
- (b) Limit and enforce patron occupancy of 15% of total occupancy limits established by the State Fire Marshal or a local fire marshal.
- (c) Designate entry points and exit points with extensive signage of the directional flow of patrons.
- (d) Place signs at each entrance point, cage, and throughout the casino reminding patrons of CDC guidelines for social distancing practices, proper washing of hands, wearing face coverings, and to stay at home if feeling ill or sick.

- (e) Require patrons to wear a face covering, except while eating or drinking or for identification purposes.
- (f) Prohibit smoking indoors.
- (g) Designate a Liaison Officer (or Officers), identify such Officer (or Officers) to all casino employees, and require any employee who believes they may have contracted COVID-19 or been exposed to COVID-19 to report this to an Officer.
- (h) Stagger break schedules and employee starting and ending times to the extent possible to avoid congregation of individuals in back-of-house areas.
- (i) Provide frequent opportunities for employees to wash and/or sanitize their hands to reduce the risk of surface transmission.
- (j) In addition to the cleaning required under subsection 1(k), clean and disinfect all high-touch objects that are accessible to the public (e.g., ATMs, counters, door handles, elevator panels and buttons, restrooms, dining tables, employee break rooms, carts, chairs, table rails, trash bins, light switches, phones, kiosks, time clocks, etc.).
- (k) Provide disinfecting wipes (to the extent they are available) throughout the casino to enable patrons to disinfect frequently touched surfaces.
- (l) Place hand sanitizer stations in high traffic areas, including throughout the casino floor and employee break rooms.
- (m) Regularly maintain their HVAC systems and maximize the delivery of fresh air into the facility.
- (n) Frequently disinfect slot machines, provide wipe dispensaries for slot machines, and post signs encouraging patrons to wipe down slot machines before and after use.
- (o) Enable social distancing between slot machines by either:
 - (1) Installing a plexiglass barrier between slot machines.
 - (2) Disabling machines or removing chairs from machines as necessary to maintain six feet of distance between machines in operation.
- (p) Require dealers and customers to wear face coverings.
- (q) Require casino employees who provide food and drink service on the casino floor to follow the rules described in section 8, which governs servers at restaurants, including but not limited to, the wearing of face coverings.
- (r) Close the following services or offerings:

- (1) Concerts, nightclubs, live events, and shows.
- (2) Valet service.
- (3) Coat check.
- (4) Self-serve buffets and self-serve soda and coffee stations.
- ~~(s) Follow any infection-control guidance provided by the Michigan Gaming Control Board, including, but not limited to, any guidance on the conduct of table games.~~
- 16. Racetracks licensed by the Executive Director of the Michigan Gaming Control Board must follow all orders issued by the Executive Director for reopening and operation consistent with this order or any order that follows from it.
- 17. Employers must maintain a record of the requirements set forth in subsections 1(c) (training), (d) (screening protocol), and (k) (required notifications).
- 18. This order is effective immediately upon issuance. Executive Order 2020-145 is rescinded.
- 19. Nothing in this order shall be taken to limit or affect any rights or remedies otherwise available under law.
- 20. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.



Date: July 29, 2020

Time: 5:33 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-153, 2020-160, and 2020-161

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, Governor Gretchen Whitmer issued Executive Order 2020-4 declaring a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33. And in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, the Governor issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. Governor Whitmer has reissued the declaration of emergency on several occasions in light of the continuing threat posed by the pandemic.

On April 2, 2020, I issued an order entitled Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-11, 2020-20, and 2020-21 to control the epidemic and protect public health by reinforcing the Governor's executive orders. At the time that order was issued, there were 9,334 cases of COVID-19 diagnosed in Michigan and 337 reported deaths.

On May 18, 2020, in light of changing needs for enforcement, I rescinded the April 2 order and issued an order entitled Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-69, 2020-71, 2020-91, and 2020-92.

On May 27, 2020, again in light of changing needs for enforcement, I rescinded the May 18 order and issued an order entitled Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-69, 2020-71, 2020-96, and 2020-97.

And on June 5, 2020, to better reflect the changing needs for enforcement, I rescinded the May 27 order and issued an order entitled Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-110, 2020-114, and 2020-115.

As of July 29, 2020, there were 80,172 cases of COVID-19 diagnosed in Michigan and 6,172 reported deaths. Many of these cases are the result of well-established community spread. Michigan's efforts to suppress the virus have reduced Michigan's infection rate from among the highest in the country to a rate similar to the national average. However, case counts have recently trended upward, from fewer than 100 cases per day in mid-June, to between 500 and 1000 per day in recent days. We must remain steadfast in our response to this ongoing threat, and we must take all appropriate measures to reduce its impact.

As the pandemic persists, the means necessary to control it continue to evolve. Governor Whitmer has issued orders 2020-153, 2020-160, and 2020-161, all of which update prior orders requiring the use of masks, limiting certain types of gatherings and activities, and establishing workplace safeguards, respectively.

On July 17, 2020, Governor Whitmer issued Executive Order 2020-153, requiring the use of masks in certain public areas.

On July 29, 2020, Governor Whitmer issued Executive Order 2020-160, which reestablished restrictions crucial to addressing the pandemic. The order set forth temporary restrictions on certain events, gatherings, and businesses; required that work be completed remotely where possible; required that all persons abide by social distancing guidance; restricted attendance of gatherings and events; and closed bars and certain businesses for indoor service, among other provisions.

Also on July 29, 2020, Governor Whitmer issued Executive Order 2020-161, which reestablished safeguards to protect Michigan's workers from COVID-19. The order specifies workplace safeguards applicable throughout the State of Michigan, as well as specific safeguards for the businesses allowed to re-open in Regions 6 and 8 of the State.

Considering the above, and upon the advice of scientific and medical experts employed by the Michigan Department of Health and Human Services, I have concluded pursuant to MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I further conclude that control of the epidemic is necessary to protect the public health and that it is necessary to establish procedures to be followed during the epidemic to ensure the continuation of essential public health services and enforcement of health laws. As provided in MCL 333.2253, these emergency procedures are not limited to the Public Health Code.

I therefore order that:

1. The rules, procedures, and restrictions outlined in Executive Orders ("EO") 2020-153, EO 2020-160, and EO 2020-161 are necessary to control the epidemic and protect the public health.
2. The rules, procedures, and restrictions outlined in EO 2020-153, EO 2020-160, and EO 2020-161 are hereby incorporated into this order and remain in place until this order is lifted.
3. Every person in this state must comply with the rules, procedures, and restrictions outlined in EO 2020-153, EO 2020-160, and EO 2020-161. Any violation of this order by a person regulated by a licensing agency shall be referred to the relevant licensing agency. The licensing agency must determine whether to pursue additional enforcement action on a case-by-case basis. For purposes of this order, "person" has the meaning provided by section 1106 of the public health code, 1978 PA 368, MCL 333.1106.
4. Pursuant to MCL 333.2235(1), local health departments are authorized to carry out and enforce the terms of this order.
5. Law enforcement officers, as defined in the Michigan Commission on Law Enforcement Standards Act, 1965 Public Act 203, MCL 28.602(f), are deemed to be "department representatives" for purposes of enforcing this order, and are specifically authorized to investigate potential violations of this order. They may coordinate as necessary with the appropriate regulatory entity and enforce this order within their jurisdiction.
6. Law enforcement officers are specifically authorized to bar access to businesses and operations that fail to comply with the rules, procedures, and restrictions outlined in EO 2020-153, EO 2020-160, and

EO 2020-161. The Attorney General and county prosecutors are likewise specifically authorized to enforce this order to control the epidemic and protect the public health in coordination with the appropriate law enforcement authority and, as necessary, the appropriate regulatory entity.

7. Any references to the May 27 order entitled “Emergency Order Pursuant to MCL 333.2253 Regarding Executive Orders 2020-11, 2020-20, and 2020-21,” or to the June 5 order entitled “Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-110, 2020-114, and 2020-115” now refer to this order. Consequently, violations of this order are punishable by a civil fine of up to \$1,000, consistent with the amended schedule of fines, issued on May 27, 2020.
8. Consistent with MCL 333.2263, appeals of civil monetary citations issued under this order in accordance with the schedule of fines set forth in related emergency rules may be heard by the Michigan Office of Administrative Hearings and Rules.
9. The June 5 order entitled “Emergency Order Under MCL 333.2253 – Regarding Executive Orders 2020-110, 2020-114, and 2020-115” is rescinded.
10. If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.

This order is effective immediately and remains in effect until lifted.

Date: July 29, 2020



Robert Gordon, Director

Michigan Department of Health and Human Services