

**No. 45**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**100th Legislature**  
**REGULAR SESSION OF 2020**

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House Chamber, Lansing, Tuesday, May 26, 2020.

1:30 p.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

**Reports of Select Committees**

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Hall, Chair, of the Joint Select Committee on the COVID-19 Pandemic, was received and read:

Meeting held on: Thursday, May 21, 2020

Present: Reps. Hall, Calley, O'Malley, Guerra and Tyrone Carter  
Sens. Nesbitt, LaSata, Schmidt, Hertel and Hollier

**Messages from the Governor**

The following message from the Governor was received May 22, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-98**

**Declaration of State of Emergency**

On May 19, 2020, I issued Executive Order 2020-94 declaring a state of emergency for the city of Midland and the county of Midland due to severe flooding as a result of the failure of the Edenville and Sanford Dam structures along the Tittabawassee River. This event has also caused severe flooding in Arenac, Gladwin, and Saginaw counties.

In response, the counties of Arenac, Gladwin, and Saginaw have taken several actions that include declaring a local state of emergency; activating disaster response and recovery operations; 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.

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 under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I find it reasonable and necessary to amend and expand Executive Order 2020-94, and order the following:

1. In addition to the city of Midland and the county of Midland, a state of emergency is also declared for the counties of Arenac, Gladwin, and Saginaw.
2. Any emergency order issued in response to the COVID-19 crisis is temporarily suspended in these counties to the extent such order impedes the emergency response effort under this declaration.
3. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and augment 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 June 16, 2020, unless extended as provided by 1976 Public Act 390, as amended.

Date: May 22, 2020

Time: 3:42 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor

JOCelyn BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 22, 2020 and read:

### **EXECUTIVE ORDER**

#### **No. 2020-99**

#### **Declaration of state of emergency and state of disaster related to the COVID-19 pandemic**

On March 10, 2020, I issued Executive Order 2020-4, which declared a state of emergency in Michigan to address the COVID-19 pandemic. This new disease, caused by a novel coronavirus not previously identified in humans, can easily spread from person to person and can result in serious illness or death. There is currently no approved vaccine or antiviral treatment.

Scarcely three weeks later, the virus had spread across Michigan. As of April 1, 2020, the state had 9,334 confirmed cases of COVID-19 and 337 deaths from the disease, with many thousands more infected but not yet tested. Exactly one month later, this number had ballooned to 42,356 confirmed cases and 3,866 deaths from the disease—a tenfold increase in deaths. The virus’s rapid and relentless spread threatened to overwhelm the state’s health care system: hospitals in multiple counties were reportedly at or near capacity; medical personnel, supplies, and resources necessary to treat COVID-19 patients were in high demand but short supply; dormitories and a convention center were being converted to temporary field hospitals.

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. Like Executive Order 2020-4, this declaration was based on multiple independent authorities: section 1 of article 5 of the Michigan Constitution of 1963; the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq.; and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq. On April 7, 2020, the Michigan legislature adopted a concurrent resolution to extend the states of emergency and disaster declared under the Emergency Management Act until April 30, 2020.

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 Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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 likely to be appealed.

Since I first declared an emergency in response to this pandemic, my administration has taken aggressive measures to fight the spread of COVID-19, prevent the rapid depletion of this state's critical health care resources, and avoid needless deaths. The best way to slow the spread of the virus is for people to stay home and keep their distance from others. To that end, and in keeping with the recommendations of public health experts, I have issued orders restricting access to places of public accommodation and school buildings, limiting gatherings and travel, and requiring workers who are not necessary to sustain or protect life to remain at home. I have also issued orders enhancing the operational capacity and efficiency of health care facilities and operations, allowing health care professionals to practice to the full extent of their training regardless of licensure, and facilitating the delivery of goods, supplies, equipment, and personnel that are needed to combat this pandemic. And I have taken steps to begin building the public health infrastructure in this state that is necessary to contain the infection.

My administration has also moved quickly to mitigate the economic and social harms of this pandemic. Through my orders, we have placed strict rules on businesses to prevent price gouging, put a temporary hold on evictions for families that cannot make their rent, expanded eligibility for unemployment benefits, provided protections to workers who stay home when they or their close contacts are sick, and created a structure through which our schools can continue to provide their students with the highest level of educational opportunities possible under the difficult circumstances now before us.

These statewide measures have been effective, but the need for them—like the unprecedented crisis posed by this global pandemic—is far from over. Though its pace of growth has showed signs of slowing, the virus remains aggressive and persistent: to date, there have been 53,510 confirmed cases of COVID-19 in Michigan, and 5,129 deaths from the disease. There remains no treatment for the virus; it remains easy to transmit, passing from asymptomatic individuals and surviving on surfaces for days; and we still lack adequate means to fully test for it and trace its spread. COVID-19 remains present and pervasive in Michigan, and it stands ready to quickly undo our recent progress in slowing its spread. Indeed, while COVID-19 initially hit southeast Michigan hardest, the disease is now spreading more quickly in other parts of the state. For instance, cases in some counties in western and mid-Michigan are now doubling approximately every 10 days.

Michigan's Safer at Home orders have aimed to reduce the spread of COVID-19 within the state. As summer approaches, Michigan's more rural counties are beginning to see more out-of-town visitors. The residents of these rural counties are among the most vulnerable to COVID-19, with older populations and rates of chronic illness among the highest in the state. Twenty-one of Michigan's eighty-three counties—all rural—have a median age over 50, and nearly 30% of Michigan's rural population is 65 or older. These rural areas tend to be miles away from larger hospitals with the personnel, beds, and equipment to fight this virus.

The economic and social harms from this pandemic likewise persist. Michigan has experienced an uptick in individuals reaching out to domestic violence hotlines and many shelters across Michigan are already over capacity. Due to the pandemic and the responsive measures necessary to address it, businesses and government agencies have had to quickly and dramatically adjust how they work. Where working from home is not possible, businesses have closed or significantly restricted their normal operations.

The economic damage—already severe—will continue to compound with time. Between March 15 and May 13, Michigan had 1.8 million initial unemployment claims—the fifth-highest nationally, amounting to nearly 36% of the Michigan workforce. During this crisis, Michigan has often processed more unemployment claims in a single day than in the most painful week of the Great Recession, and the state has already reached its highest unemployment rate since the Great Depression (22.7% in April). Between March 15 and May 21, Michigan paid out over \$7 billion in benefits to eligible Michiganders. The Michigan Department of Treasury predicts that this year the state will lose between \$1 and \$3 billion in revenue. As a result, local governments will struggle to provide essential services to their communities and many families in Michigan will struggle to pay their bills or even put food on the table.

So too will the pandemic continue to disrupt our homes and our educational, civic, social, and religious institutions. Transitioning almost overnight to a distance-learning environment has placed strain on educators, students, and parents alike. The closure of museums and theaters limits people's ability to enrich themselves through the arts. And curtailing gatherings has left many seeking new ways to connect with their community during these challenging times.

A second wave of COVID-19 cases continues to pose a deadly threat to the people of this state. As various sectors of Michigan's economy begin to reopen, we must be able to respond nimbly to new data about transmission and health risks of the virus. Over the past months, researchers have discovered that COVID-19 can attack not only the lungs, but also the heart, brain, kidneys, liver, and blood. While older individuals are at higher risk of contracting and dying from COVID-19, studies have shown that the disease may increase the severity of strokes in younger people.

The health, economic, and social harms of the COVID-19 pandemic thus remain widespread and severe, and they continue to constitute a statewide emergency and disaster. While the virus has afflicted some regions of the state more severely than others, the extent of the virus's spread, coupled with its elusiveness and its ease of transmission, render the virus difficult to contain and threaten the entirety of this state. Michigan's fatality rate from COVID-19 remains the highest among neighboring states and sits around three percentage points higher than the national average. The underlying health factors that contribute to the severity of COVID-19 in Michigan remain present, as does the disease.

Although local health departments have some limited capacity to respond to cases as they arise within their jurisdictions, state emergency operations are necessary to bring this pandemic under control in Michigan and to build and maintain infrastructure to stop the spread of COVID-19, trace infections, and quickly direct additional resources to hot-spots as they emerge. State assistance to bolster health care capacity and flexibility also has been, and will continue to be, critical to saving lives, protecting public health and safety, and averting catastrophe. Moreover, state disaster and emergency recovery efforts remain necessary not only to support Michiganders in need due to the economic effects of this pandemic, but also to ensure that the prospect of lost income does not impel workers who may be infected to report to work.

Statewide coordination of these efforts is crucial to creating a stable path to recovery. Until that recovery is underway, the economic and fiscal harms from this pandemic have been contained, and the threats posed by COVID-19 to life and the public health, safety, and welfare of this state have been neutralized, statewide disaster and emergency conditions will exist.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan.
2. This order constitutes a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. Subject to the ongoing litigation, and the possibility that current rulings may be overturned or otherwise altered on appeal, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act of 1976 when emergency and disaster conditions exist yet the legislature has not granted an extension request, this order constitutes a state of emergency and state of disaster declaration under that act.
3. This order is effective immediately and continues through June 19, 2020 at 11:59 pm. I will evaluate the continuing need for this order prior to its expiration.
4. Executive Orders 2020-67 and 2020-68 are rescinded. All previous orders that rested on those orders now rest on this order.

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

Date: May 22, 2020

Time: 4:49 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 22, 2020 and read:

### **EXECUTIVE ORDER**

**No. 2020-100**

#### **Amending certain previously issued executive orders to clarify their duration**

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, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Acting under the state of emergency declared in Executive Order 2020-4, I issued several executive orders to make reasonable and necessary adjustments to various laws and procedures to help mitigate the effects of the COVID-19 pandemic. In particular, 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, I adopted Executive Orders 2020-9 on March 16, 2020, which closed places of public accommodation, and Executive Order 2020-21 on March 23, 2020, which directed residents to remain at home or in their place of residence to the maximum extent feasible.

Since then, the virus has 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 growing 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.

Following the declarations of emergency and disaster in Executive Order 2020-33, I issued and amended a number of executive orders that also made reasonable and necessary adjustments to various laws and procedures. In particular, in Executive Orders 2020-20 and 2020-43, I extended the order closing places of public accommodation. And in Executive Orders 2020-42 and 2020-59, I extended the order directing residents to stay home and stay safe.

On April 30, 2020, although the emergency and disaster caused by the COVID-19 pandemic was still ongoing, the Legislature refused to extend the states of emergency and disaster. For that reason, as required by statute, I issued Executive Order 2020-66, terminating the states of emergency and disaster. The same day, because the COVID-19 pandemic still presented a threat to human life and the public health, safety, and welfare of this state, I issued Executive Order 2020-67, which declared a state of emergency under the Emergency Powers of the Governor Act, and Executive Order 2020-68, which declared a state of emergency and a state of disaster under the Emergency Management Act.

The measures put in place by my executive orders have been effective: the number of new confirmed cases each day is slowly dropping. Although the virus remains aggressive and persistent—on May 21, 2020, Michigan reported 53,510 confirmed cases and 5,129 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. With Executive Orders 2020-70, 2020-77, 2020-92, and 2020-96, we have begun the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. At the same time, with Executive Order 2020-69, I retained and extended the order closing places of public accommodation. We must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

Executive Orders 2020-67 and 2020-68 have been challenged, however, 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 likely to be appealed.

Today, I issued Executive Order 2020-99, 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 has not granted an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

With this order, I find it reasonable and necessary to extend Executive Orders 2020-62, 2020-69, and 2020-96 for three weeks from the date of this order. I also find it reasonable and necessary to clarify and, as necessary, amend the duration of certain executive orders that followed Executive Order 2020-04 and Executive Order 2020-33 given that they have been superseded by later emergency and disaster declarations.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, the EPGA 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.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The following executive orders remain in effect and do not terminate until the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.
  - (a) Executive Order 2020-26.
  - (b) Executive Order 2020-28.
  - (c) Executive Order 2020-36.
  - (d) Executive Order 2020-39.
  - (e) Executive Order 2020-58.
  - (f) Executive Order 2020-61.
  - (g) Executive Order 2020-64.
  - (h) Executive Order 2020-76.
2. The following executive orders are amended as follows:
  - (a) Under Executive Order 2020-46, the Michigan Liquor Control Commission may take physical possession of any spirits held by any licensee to which the Commission holds legal title at any time later than 90 days after the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.
  - (b) Under Executive Order 2020-52, any three-year certificates that were set to expire on December 31, 2019 and were deemed unexpired will not expire until 60 days after the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.
  - (c) Under Executive Order 2020-55, the Michigan Coronavirus Task Force on Racial Disparities will continue its work until 90 days after the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later, or such other time as the governor identifies.
  - (d) Under Executive Order 2020-58, all deadlines applicable to the commencement of all civil and probate actions and proceedings, including but not limited to any deadline for the filing of an initial pleading and any statutory notice provision or other prerequisite related to the deadline for filing of such a pleading, remain suspended and shall be tolled until the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.
3. Executive Orders 2020-62, 2020-69, and 2020-96 will remain in effect until 11:59 pm on June 12, 2020.

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

Date: May 22, 2020

Time: 4:52 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 22, 2020 and read:

## EXECUTIVE ORDER

### No. 2020-101

#### Extending the expiration date for watercraft registration

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 Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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 likely to be appealed.

On May 22, 2020, I issued Executive Order 2020-99, 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 has 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 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.

Every spring and summer, Michiganders renew their watercraft registrations so they can take to the water and enjoy the natural beauty of this state. Strict compliance with the watercraft registration requirements of state law would inevitably result in crowds flocking to the branch offices of the Secretary of State, increasing in-person interactions and putting people at risk. In order to reduce in-person work and minimize the risk of transmission, I find it reasonable and necessary to extend the validity of expiring registrations and suspend penalties for operating watercraft with expired decals.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Individuals must, to the best of their ability, complete watercraft registration renewals online at [www.michigan.gov/sos/](http://www.michigan.gov/sos/) during any state of emergency or state of disaster arising out of the COVID-19 pandemic.



2. Strict compliance with section 80124(16) of the Natural Resources and Environmental Protection Act, MCL 324.80124(16) is temporarily suspended to the extent necessary to extend until July 31, 2020 the validity of any watercraft decal that expired or is set to expire between February 1, 2020 and June 30, 2020.
3. Until July 31, 2020, operating a watercraft with a decal that expired after September 30, 2019 does not constitute a violation of the Natural Resources and Environmental Protection Act. Law enforcement officials must not issue any ticket for the sole reason that a watercraft decal expired after September 30, 2019 . The Department of State must not assess a late fee for the renewal of a watercraft registration decal that expired after September 30, 2019, provided renewal occurs by July 31, 2020.
4. Strict compliance with section 80122(1) of the Natural Resources and Environmental Protection Act, MCL 324.80122(1), is temporarily suspended to allow a vessel to operate on the waters of this state on or before July 31, 2020 without displaying an identifying number and decal, provided the operator of the vessel possesses a proof of purchase or equivalent evidence that the vessel was acquired after January 1, 2020.
5. Until July 31, 2020, operating a watercraft that was purchased after January 1, 2020 without a decal does not constitute a violation of the Natural Resources and Environmental Protection Act. Law enforcement officials must not issue any ticket for the sole reason that a watercraft is operated without a decal, provided the operator possesses a proof of purchase or equivalent evidence that the vessel was acquired after January 1, 2020.
6. This order is effective immediately.

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

Date: May 22, 2020

Time: 5:54 pm

[SEAL]

GRETCHEN WHITMER  
 GOVERNOR  
 By the Governor  
 JOCELYN BENSON  
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 22, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-102**

**Temporary Relief from Standard Vapor Pressure Restrictions on Gasoline Sales**

**Rescission of Executive Order 2020-31**

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 Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.



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 likely to be appealed.

On May 22, 2020, I issued Executive Order 2020-99, 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 has 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 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.

Due to the steep fall-off in gasoline demand as a result of the COVID-19 pandemic, gasoline storage capacity is limited and more time is needed to transition the distribution system in order to come into compliance for the summer driving season. Without a waiver of the summer gasoline requirements, parties upstream of retailers and wholesale purchasers would have been required to stop selling the winter gasoline sitting in their storage tanks on May 1, 2020, which would have prevented them from loading summer gasoline into the storage tanks, resulting in a shortage of gasoline. A gasoline shortage could result in higher prices at the pump, making it harder for families already struggling with the economic impacts of COVID-19 to put food on the table. It could also cause longer lines at service stations across Michigan, increasing in-person interactions and putting people at risk. In order to reduce economic hardship, reduce in-person work, and minimize the risk of transmission, I find it reasonable and necessary to temporarily waive the summer low volatility requirements and blending limitations for gasoline.

With this order, Executive Order 2020-31 is rescinded.

Action under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Rule 4(g) of Regulation No. 564, promulgated by the Laboratory Division of the Department of Agriculture and Rural Development, 1987 AACCS, as amended, R 285.564.4(g) of the Michigan Administrative Code, regarding vapor pressure, is temporarily suspended through May 31, 2020.
2. Gasoline received at retail on or before May 31, 2020 that does not meet the June 1 vapor pressure standard, as outlined in the Motor Fuels Quality Act of 1984, as amended, the Motor Fuels Quality Act section 10d (MCL 290.650d), Regulation No. 561 Dispensing Facility Vapor Pressure R 285.561.2 (Rule 2) and R 285.561.3 (Rule 3), or Regulation No. 564 Automotive Motor Fuel Purity, Additives, and Grading R 285.564.4 (Rule 4 Table 5) may be sold through June 30, 2020.
3. Any gasoline received at retail on or after June 1, 2020 shall at time of delivery meet the vapor pressure requirements outlined in the Motor Fuels Quality Act of 1984, as amended, the Motor Fuels Quality Act section 10d (MCL 290.650d), Regulation No. 561 Dispensing Facility Vapor Pressure R 285.561.2 (Rule 2) and R 285.561.3 (Rule 3), or Regulation No. 564 Automotive Motor Fuel Purity, Additives, and Grading, R 285.564.4 (Rule 4 Table 5).
4. Consistent with the Environmental Protection Agency’s March 27, 2020 waiver, gasoline that does not meet the low volatility requirements, as specified above, may no longer be introduced into terminal storage tanks. Any gasoline not meeting the requirements may continue to be distributed from terminal storage tanks to retailers through May 31, 2020.
5. The Department of Agriculture and Rural Development shall coordinate state compliance with this order.
6. Executive Order 2020-31 is rescinded.

7. This order is effective immediately.

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

Date: May 22, 2020

Time: 4:56 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR  
By the Governor  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 22, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-103**

**Providing alternative notice of public hearings under Michigan’s tax abatement statutes**

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 Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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 likely to be appealed.

On May 22, 2020, I issued Executive Order 2020-99, 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 has 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 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.

It has long been the public policy of this state that, in certain circumstances, tax-based incentives can be properly used to bring about change that is beneficial to the public as a whole. To this end, the Legislature has enacted several statutes that operate as tax abatements. In these statutes, the Legislature has authorized certain local governmental units to create tax abatement districts within which certain properties can receive some form of property tax exemption. But before a tax abatement district can be created and before property can be approved for a tax exemption, the responsible local governmental unit is required to conduct a public hearing and provide notice of the hearing to multiple parties including individuals, public officials, and other municipalities. This provision of such notice ensures that all persons affected by the local governmental unit’s decision-making have an opportunity to be heard in that decision-making process.

Strict compliance with the notice requirements of certain tax abatement statutes would require dozens of staff to work in-person to complete the hundreds of mailings required, increasing in-person interactions and putting people at risk. In order to reduce in-person work and minimize the risk of transmission, I find it reasonable and necessary to provide temporary alternative means for satisfying those statutory notice requirements.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Consistent with Executive Order 2020-75, or any order that follows it, any public hearing that is required to take place under a tax abatement statute may be held electronically, including by telephonic conferencing or video conferencing, in a manner that allows all persons and entities entitled to notice under the applicable tax abatement statute to participate by electronic means.
2. Strict compliance with any requirement under a tax abatement statute to provide notice of a public hearing is temporarily suspended to allow for the responsible local governmental units to provide notice of public hearings in the following manner:
  - (a) To ensure that notice is provided to any real property owners within a proposed tax abatement district that are entitled to notice, the local governmental unit must publish in three successive issues of a generally circulated newspaper serving the proposed tax abatement district where available, or if no such newspaper is available, by the posting of the notice in five conspicuous places in the proposed tax abatement district.
  - (b) To ensure that notice is provided to any required taxing jurisdiction, assessor, or other public official that is entitled to receive notice under the particular tax abatement statute, the local governmental unit may provide notice via email to the appropriate governmental or business email address.
  - (c) To ensure that notice is provided to the general public, the local governmental unit must:
    - (i) Post notice of the public hearing in a prominent and conspicuous place at both the public body’s principal office; and
    - (ii) Post notice of the public hearing on a portion of the local governmental unit’s website that is fully accessible to the public, if the local governmental unit directly or indirectly maintains an official internet presence. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings.
3. Section 2 of this order does not prevent a local governmental unit from providing notice in the manner prescribed by the relevant tax abatement statute if the local governmental unit is able to do so safely and consistently with workplace standards enacted in accordance with Executive Order 2020-97, or any order that follows it.
4. Without regard to whether the local governmental unit provided notice in the manner required by the relevant tax abatement statute or in the manner set forth in section 2 of this order, notice of a public hearing required by a tax abatement statute that will be conducted electronically in accordance with Executive Order 2020-75, or any order that follows it, must include each of the following:
  - (a) An explanation of the reason why the public body is meeting electronically.
  - (b) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.

- (c) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
- (d) Procedures by which persons with disabilities may participate in the meeting.
- 5. This order does not change or otherwise affect the time requirements for notice of public hearings in any tax abatement statute.
- 6. A person is considered to have been provided the notice and opportunity to be heard required by a tax abatement statute if the local governmental unit followed the procedures set forth above in sections 2 and 3 of this order. Failure to strictly comply with the procedures set forth in sections 2 and 3 of this order does not by itself constitute grounds to invalidate an action taken by a local governmental unit under a tax abatement statute.
- 7. To the extent that this order creates a conflict with any requirement set by a local governmental unit’s charter or ordinances, the contents of this order control.
- 8. As used in this order:
  - (a) The term “local governmental unit” means a political subdivision of this state that is authorized to create an abatement district, reduce the level of taxation on a certain property, or exempt certain property from taxation, under a tax abatement statute. Additionally, for the purposes of the Plant Rehabilitation and Industrial Development Districts Act, it also includes a Next Michigan development corporation as that term is defined in section 3 of the Next Michigan Development Act, MCL 125.2953.
  - (b) The term “tax abatement district” means any district that can be created by a local governmental unit in a tax abatement statute within which certain property may be eligible for a property tax exemption.
  - (c) The term “tax abatement statute” means one of the following statutes that allows for a reduction in, or an exemption of, the level of taxation ordinarily imposed on property in this state: the Obsolete Property Rehabilitation Act, MCL 125.2781 et seq., the Neighborhood Enterprise Zone Act, MCL 207.771 et seq., the Commercial Rehabilitation Act, MCL 207.841 et seq., the Commercial Redevelopment Act, MCL 207.651 et seq., and the Plant Rehabilitation and Industrial Development Districts Act, MCL 207.551 et seq.
- 9. This order is effective immediately and continues through June 30, 2020.

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

Date: May 22, 2020

Time: 5:00 pm

[SEAL]

GRETCHEN WHITMER  
 GOVERNOR  
 By the Governor  
 JOCELYN BENSON  
 SECRETARY OF STATE

The message was referred to the Clerk.



The Clerk declared the House adjourned until Wednesday, May 27, at 1:30 p.m.

GARY L. RANDALL  
 Clerk of the House of Representatives