

**SENATE FISCAL AGENCY
 MEMORANDUM**

DATE: June 30, 2020

TO: Members of the Michigan Senate

FROM: Ellyn Ackerman, Bruce Baker, Joe Carrasco, John Maxwell, Elizabeth Raczkowski, Cory Savino, and Michael Siracuse, Fiscal Analysts; Ryan Bergan and David Zin, Economists; and Jeff Mann, Associate Director

RE: Coronavirus Disease 2019 (COVID-19) Executive Orders 2020-110 through 2020-116

Overview

From June 1, 2020, through June 5, 2020, Governor Whitmer issued Executive Orders (EOs) 2020-100 through 2020-116 to maintain a state of emergency across the State of Michigan in relation to the outbreak of COVID-19 and to implement various measures in response to COVID-19 in Michigan. These measures affect, among other things, temporary restrictions on events, gatherings, and business; migratory workers and food supply; executive order rescissions; electronic transactions and administrative hearings; safeguards to protect Michigan workers; business re-openings; and the temporary suspension of youth work permit requirements. The EOs will have an impact on local governments, State revenue, and various State departments, including the Department of Labor and Economic Development (LEO), the Department of Health and Human Services (DHHS), the Department of Agriculture and Rural Development (MDARD), the Department of Technology, Management, and Budget (DTMB), the Unemployment Insurance Agency (UIA), the Department of Licensing and Regulatory Affairs (LARA), the Michigan Gaming Control Board, and the Michigan Employment Relations Commission (MERC).

COVID-19

Coronavirus disease 2019, COVID-19, is a respiratory illness caused by a virus that can spread from person to person. Generally, coronaviruses cause mild, cold-like symptoms; however, severe diseases, such as Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS) also are examples of disease cause by other forms of coronavirus. Reported symptoms of COVID-19 have ranged from mild (if any) cold-like symptoms in the majority of individuals, to severe illness or death.

The virus that causes COVID-19 was identified as the cause of an outbreak detected in Wuhan City, China, in November 2019. In late January 2020, the first case of COVID-19 in the United States was confirmed. The Michigan DHHS identified the first two positive cases of COVID-19 in Michigan on March 10, 2020. As of June 24, 2020, the DHHS has reported 61,953 cases and 5,868 deaths attributable to COVID-19.

Authority for Orders

Executive Order 2020-99, which continues the state of emergency and state of disaster in response to the COVID-19 pandemic, cites the Emergency Management Act (EMA) and Public Act (PA) 302 of 1945 (which pertains to the Governor's emergency powers), respectively, as

authority for its issuance. Under the EMA, the Governor must declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists. In addition, Section 1 of PA 302 of 1945 allows the Governor to proclaim a state of emergency "during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency" within Michigan.

The Governor derives the authority for most of the Orders summarized in the memorandum from those same acts, namely Section 3 of the EMA, which provides (in pertinent part), that the Governor may "issue executive orders, proclamations, and directives having the force and effect of law to implement" the EMA, and Section 1 of PA 302 of 1945.¹

A listing of all Executive Orders issued in response to the COVID-19 pandemic through Executive Order 2020-117, including the effective date and the expiration date of each, can be found in the appendix attached to this document.

Summary of Order Contents

Executive Order 2020-110

The Order rescinds and replaces EOs 2020-69 and 2020-96, effective June 1, 2020. The Order divides the State into eight separate regions and states that work that is capable of being performed remotely must continue to be performed remotely. The Order also states that individuals who leave their homes must practice social distancing and wear a face covering in enclosed spaces, and social gatherings are permitted, but may not exceed 10 people for indoor gatherings and 100 people for outdoor gatherings.

The following may open on the effective date of the Order, June 1, 2020:

- Outdoor parks and recreational facilities.
- Restaurants, bars, coffee houses, etc. in Regions 6 and 8 for indoor and outdoor seating. subject to capacity constraints described in EO 2020-97.

Retail stores may reopen June 4, 2020.

The following may open on June 8, 2020:

- Outdoor public swimming pools at 50% capacity.
- Day camps for children.
- Libraries and museums.
- Restaurants, bars, coffee houses, etc. in Regions 1, 2, 3, 4, 5, and 7 for indoor and outdoor seating subject to capacity constraints described in EO 2020-97.

¹ Section 1 of PA 302 of 1945 specifically states that orders may designate specific zones within the area involved in the emergency in which occupancy and use of buildings and ingress and egress of people and vehicles may be prohibited or regulated; control places of amusement and assembly and of individuals on public streets and thoroughfares; establish a curfew; and control the sale, transportation, and use of alcoholic beverages and liquors, among other things.

The following places must remain closed under the Order:

- Indoor theaters and performance venues.
- Indoor gymnasiums, recreational centers, and exercise facilities.
- Hair and nail salons, barber shops, tattoo parlors, piercing services, or similar personal care facilities.
- Casinos, amusement parks, bowling alleys, bingo halls, or similar recreational facilities.

The Order identifies several exceptions to the prohibitions or requirements on social activity, including exceptions to accommodate outdoor fitness classes, medical services, health care facilities, crisis shelters, and airport food courts. The Order makes an exception to the penalty provisions of the order for religious worship.

Executive Order 2020-111

Effective June 1, 2020, and continuing through June 29, 2020, at 11:59 PM, the Order implements limited and temporary COVID-19-related protocols and preventive measures regarding the housing and working conditions of migrant and seasonal agricultural workers of employer-provided migrant housing owners and operators licensed by MDARD.

Owners and operators of employer-provided migrant housing camps must provide residents with the same safeguards as required of businesses under EO 2020-97. Within two weeks of the Order's effective date, a camp must post its COVID-19 preparedness and response plan, which must be consistent with recommendations in Guidance on Preparing Workplace for COVID-19, developed by the Occupational Health and Safety Administration (OSHA). The Order requires MDARD to use its best efforts to conduct outreach visits to each licensed migrant labor camp within 20 working days of occupant arrival to review Executive Order 2020-111 requirements and any relevant DHHS guidance.

Executive Order 2020-112

This Order rescinds EOs 2020-39 and 2020-82. It temporarily extends EO 2020-38 through June 10, 2020 and rescinds it June 11, 2020.

Executive Order 2020-113

Effective June 4, 2020, and extending through June 30, 2020, at 11:59 PM, the Order rescinds EO 2020-80 and authorizes State agencies to use electronic remote methods for conducting administrative procedures, including hearings. It also authorizes the use of electronic signatures for satisfying signature requirements related to administrative procedural activities.

Specifically, MERC and UIA hearings may be conducted by electronic means, including by video conference. Any hearings required by law, rule, or regulation, as well as any held under the Administrative Procedures Act and the Michigan Administrative Hearings System Administrative Hearing Rules also may be held by telephone or by electronic means.

The Order also allows notice and services of process required by the Administrative Procedures Act and the Michigan Administrative Hearings System Administrative Hearing Rules to be provided by mail or electronically. Notices to the MERC, communications and notices pertaining

to an impending strike or lockout, and notices to and by the UIA may be provided by mail or electronically.

Under the Order, the DTMB is directed to authorize the use of electronic signatures as required under the Administrative Procedures Act and under the following sections of the Michigan Employment Security Act: 11(b)(4), 32b(3), and 54f. An electronic signature is sufficient to satisfy a requirement for a signature under the law.

Strict compliance with statutes and rules regarding hearings and notices covered under the provisions of the Order is temporarily suspended to the extent necessary to allow for alternative means of communication. However, compliance with the statutes and rules pertaining to the Joint Committee on Administrative Rules is still required. Administrative and emergency rules may be filed with the Secretary of State electronically. The temporary suspensions are in effect for the duration of the Order.

A willful violation of the Order is a misdemeanor.

Executive Order 2020-114

Effective June 5, 2020, the Order rescinds and replaces EO 2020-97 and extends EO 2020-109 until the end of the declaration of emergency because of COVID-19. Executive Order 2020-97 required businesses or operations permitted to require employees to leave their residences for work to follow certain standards and procedures related to COVID-19. The Order requires businesses or operations permitted to require employees to leave homes or residences for work to meet, at a minimum, the requirements described below.

Businesses or operations must develop a COVID-19 preparedness and response plan, consistent with recommendation in Guidance on Preparing Workplaces for COVID-19, developed by OSHA. Businesses or operations must designate one or more worksite supervisors to implement, monitor, and report the strategies developed above, and the supervisor must remain on-site when employees are present on-site.

Businesses and operations must provide training on COVID-19, which must cover the following, at a minimum:

- Workplace infection-control practices.
- The proper use of personal protective equipment (PPE).
- Steps employees must take steps to notify the business of any COVID-19 symptoms, or a suspected or confirmed diagnosis.
- How to report unsafe working conditions.

Businesses or operations must conduct a daily entry self-screening protocol for all employees or contractors and maintain at least six feet between everyone on the worksite premises through the use of ground markings, signs, and physical barriers. Businesses or operations also must provide nonmedical grade face coverings to their employees, require them to be worn when employees cannot consistently maintain six feet of separation, and consider face shields when employees cannot consistently maintain three feet of separation.

Businesses or operations must increase facility cleaning and disinfection, especially on high-touch surfaces, with special attention on parts, products, and shared equipment. They also must adopt protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace. Cleaning supplies must be made available to employees upon entry and at the worksite, and employees must have time to wash hands frequently or use hand sanitizer.

If an employee is identified with a confirmed case of COVID-19, within 24 hours, businesses or operations must notify the local public health department and any coworkers, contractors, or suppliers who may have come into contact with the person with a confirmed case. An employer must allow employees with confirmed or suspected cases 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).

Businesses or operations must follow Executive Order 2020-36, and any orders that follows it, which prohibits discharging, disciplining, or otherwise retaliating against employees who stay at home or who leave work when they are at particular risk of infecting others. They also must establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures for deep cleaning.

Businesses or operations must restrict business-related travel for employees to essential travel only, encourage employees to use PPE and hand sanitizer on public transportation, promote remote work to the fullest extent possible, and 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.

In addition to the general requirements above, the Order establishes requirements for certain businesses or operations as described below.

The Order requires businesses or operations whose work is primarily and traditionally performed outdoors to do the following:

- 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.
- 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.

The Order requires businesses or operations in the construction industry to do the following:

- Create dedicated entry points at every worksite or meet other alternatives.
- Provide instructions for the distribution of PPE and designate on-site locations for soiled face coverings.
- Require the use of work gloves where appropriate.
- Identify choke points and high-risk areas for employees and control access to them.
- Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite.
- Notify contractors or owners of any confirmed COVID-19 cases among employees at their worksites.
- Restrict unnecessary movement between project sites.
- Create protocols for minimizing personal contact upon delivery of materials.

The Order requires manufacturing facilities to do the following:

- Create dedicated entry points at every facility for daily screening.
- Suspend all nonessential in-person visits, including tours.
- Train employees on the transmission of COVID-19 and the use of PPE.
- Implement shift schedules where possible to reduce the number of employees in the facility at the same time.
- Stagger meal and break times, as well as start times at each entrance, where possible.
- Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
- Create protocols for minimizing personal contact upon delivery of materials.
- Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue the use of hand dryers.
- Maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.
- Send potentially exposed individuals home upon identification of a positive COVID-19 case.
- Require employees to self-report to plant leaders as soon as possible after developing symptoms for COVID-19.
- Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because of symptoms of COVID-19.

The Order requires research laboratories, but not laboratories that perform diagnostic testing, to do the following:

- Assign dedicated entry points and/or times into lab buildings.
- Create protocols and or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan.
- Suspend all nonessential in-person visitors.
- Limit the number of people per square feet of floor space permitted in a laboratory.
- Close open workspaces, cafeterias, and conference rooms.
- Require all office and dry lab work to be conducted remotely.
- Provide disinfecting supplies and require employees to wipe down their workstations.
- Implement an audit and compliance procedure to ensure that cleaning criteria are followed.
- 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.
- Clean and disinfect the work site when an employee is sent home with symptoms or a confirmed case.
- Send any potentially exposed coworkers home if there is a positive case in the facility.

The Order requires retail stores that are open for in-store sales to do the following:

- Create communications material for customers to inform of changes to store practices and the precautions the store is taking to prevent infection.
- Establish lines to regulate entry in accordance with requirements described below.
- Post signs at store entrances instructing customers to wear a face covering and informing customers not to enter if they are or have recently been sick.
- Install physical barriers at checkout or other service points that require interaction.

- Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, and other surfaces.
- Train employees on appropriate cleaning procedures and how to manage symptomatic customers upon entry or in the store.
- Notify employees if the employer learns that an individual with a confirmed case of COVID-19 has visited the store.
- Limit staffing to the minimum necessary to operate.

Retail stores also must adhere to the following restrictions:

- For stores of less than 50,000 square feet of customer floor space, limit the number of people in the store (including employees) to 25% of the total occupancy limits.
- For stores of more than 50,000 square feet, limit the number of customers in store at one time (excluding employees) to four people per 1,000 square feet and create at least two hours per week of dedicated shopping time for vulnerable populations, including people over 60, pregnant women, and those with chronic conditions.

The Order grants the Director of the Department of Health and Human Services authorization to issue an emergency order varying the capacity limits.

The Order requires offices to notify employees if the employer learns that an individual with a confirmed case has visited the office, and to suspend all nonessential visitors and restrict nonessential travel.

The Order requires restaurants and bars to do the following:

- Limit capacity to 50% of normal seating.
- Require six feet of separation between groups at different tables, close waiting areas, and provide physical guides to maintain separation.
- Close self-serve food or drink options.
- Post signs and communications materials for customers about changes in practice, instructions to wear face coverings, and instructions not to enter if recently sick.
- Require hosts and servers to wear face coverings.
- Limit shared items for customers and clean high contact areas.
- Train employees on protocols related to PPE, food safety, and managing customers.
- Notify employees if the employer learns of a confirmed COVID-19 case in the store.
- Close the restaurant immediately if an employee shows multiple symptoms of COVID-19.
- Require a doctor's written release to return to work if an employee had a confirmed case of COVID-19.

The Order requires outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and veterinary clinics, to do the following:

- Limit waiting area occupancy to the number of individuals who can be present while staying six feet apart, and ask patients to wait in their cars, if possible.
- Enable contactless sign-in.
- Add special hours for highly vulnerable patients.
- Employ telehealth and telemedicine to the greatest extent possible.

- Limit the number of appointments to maintain social distancing and allow time for cleaning between all appointments.
- Employ specialized procedures for patients with high temperatures or respiratory symptoms.
- Deep clean examination rooms after patients with respiratory symptoms.
- Establish procedures for building disinfection in accordance with CDC guidelines if it is suspected that an employee or patient has COVID-19, or if there is a confirmed case.

The Order requires business that provide in-home services, including cleaners, repair persons, painters, etc. to do the following:

- Require employees to do a daily health screening.
- Maintain accurate appointment records for contact tracing.
- Limit direct contact with customers by using electronic means of communication.
- Before entering a home, inquire if anyone in the household has been diagnosed, or experienced symptoms related to COVID-19.
- Limit the number of employees inside a home to the minimum number necessary.
- Wear and dispose of gloves in accordance with CDC guidelines.

The Order requires personal-care service providers, including barbers, cosmetologists, tattoo, piercing, tanning, and massage providers, to do the following:

- Maintain accurate appointment and walk-in records for contact tracing.
- Post signs directing customers not to enter if they have been sick.
- Restrict entry to customers and their dependent minors and caregivers.
- Require on-site workstations be placed at least six feet apart.
- Limit waiting area occupancy so that customers are at least six feet apart.
- Discontinue self-service refreshment
- Discard nonessential shared items, such as magazines, that cannot be easily disinfected.
- Mark waiting areas to enable six feet of social distancing.
- Require employees to use PPE in accordance with CDC and OSHA guidelines.
- Require employees and customers to wear face coverings.
- Cooperate with the local health department if a confirmed COVID-19 case is identified within the facility.

The Order requires sports and entertainment facilities, including arenas, cinemas, concert halls, amusement parks, arcades, night clubs, etc., to do the following:

- Post signs directing customers not to enter if they have been sick.
- Encourage patrons to wear face coverings.
- Use crowd-limiting measures to meter the flow of patrons.
- Use dividers, signs, etc. to maintain six feet of distance between patrons.
- Limit seating capacity to maintain six feet of distance between patrons.
- Establish safe exit procedures (for sports and entertainment facilities only).
- Adopt specified entry and exit times for vulnerable populations (for sports and entertainment facilities only).
- Train employees who interact with patrons on how to monitor and enforce compliance with COVID-19 protocols and to help patrons that become symptomatic.
- Frequently disinfect high-touch surfaces.

- Disinfect and deep clean the facility after each event.
- Close self-serve concessions.

The Order requires gymnasiums, fitness centers, sports facilities, etc. to do the following:

- Post signs directing customers not to enter if they have been sick.
- Maintain accurate customer attendance records for contact tracing.
- Configure workout stations to allow for 10 feet of distance between them.
- Reduce exercise classes to enable six feet of distance between participants.
- Provide cleaning products for patrons to use on equipment when finished.
- Make available hand sanitizer, disinfecting wipes, soap, etc.
- Regularly disinfect equipment.
- Ensure ventilation systems are operating properly.
- Increase outdoor air circulation as much as possible.
- Regularly clean public spaces, such as restrooms and locker rooms.
- Close steam and sauna rooms.

The Order provides that the rules described above have the force and effect of regulations adopted by the departments and agencies with responsibility for overseeing compliance with workplace health-and-safety standards and any violation is fully enforceable by the agencies. Any challenge to penalties will proceed through the same administrative review process as any challenge to a penalty imposed by the department or agency.

The Order specifies that any business or operation that violates the rules above has failed to provide a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to an employee within the meaning of the Michigan Occupational Safety and Health Act.

Executive Order 2020-115

The Order, effective June 5, 2020, amends EO 2020-110 in the following ways:

- The prohibition on personal care services in EO 2020-110 is rescinded as of June 15, 2020.
- The restrictions on individuals and business in Regions 6 and 8 are lifted as of June 10, 2020.
- Indoor social gatherings of up to 50 people are permitted, so long as social distancing is practiced.
- Outdoor social gatherings of up to 250 people are permitted, so long as social distancing is practiced.
- Indoor entertainment facilities, such as arcades, bowling alleys, cinemas, convention centers, night clubs, sports arenas, and theaters may reopen at 25% capacity or at 250 people, whichever is smaller, so long as social distancing is practiced.
- Outdoor entertainment facilities, such as race tracks, concert spaces, and sports arenas may reopen at 25% capacity or at 500 people, whichever is smaller, so long as social distancing is practiced.
- Outdoor swimming pools may reopen at 50% capacity.
- Indoor swimming pools may reopen at 25% capacity.

Executive Order 2020-116

Effective June 5, 2020, and continuing through July 3, 2020, at 11:59 PM, the Order temporarily suspends strict compliance with Section 5 of the Youth Employment Standards Act to the extent it requires a work permit application to be made in person. An issuing officer may accept and examine a work permit application, including any accompanying materials, submitted by alternative means, such as mail, electronic mail, facsimile, or web-based form. Issuing officers must make information publicly available as to how application materials may be submitted.

Under Section 5 of the Act, an issuing officer may issue a work permit only after a minor desiring employment has applied in person, and after the officer has examined, approved, and filed the following papers: a) a statement of intention to employ, signed by a prospective employer or by a person authorized by the prospective employer, containing the information prescribed in the Act and b) evidence showing that the minor is of age. "Issuing officer" means the chief administrator of a school district, intermediate school district, public school academy, or nonpublic school, or a person authorized by the chief administrator in writing to act on his or her behalf.

The Order also temporarily suspends strict compliance with Section 6 of the Act such that the color of work permits for minors under 16 years of age does not need to be distinct from that of work permits of minors 16 years of age or over (which the Act requires). Section 6 of the Act requires work permits to be issued in a form prescribed by the Michigan Department of Education, in cooperation with LEO, in accordance with prescribed instructions.

Violations of Orders

Executive Orders 2020-110, 2020-111, and 2020-115 specify that, consistent with Section 3 of PA 302 of 1945 (MCL 10.33) and Section 5(3) of the EMA (MCL 30.405(3)), a willful violation of these Orders is a misdemeanor.

Section 3 of PA 302 of 1945 specifies that a violation of an order, rule, or regulations made in conformity with the Act is punishable as a misdemeanor, when it states that a violation constitutes a misdemeanor. Section 5(3) of the EMA states that a person who willfully disobeys or interferes with the implementation of a rule order, or directive issued by the Governor pursuant to Section 5 of EMA is guilty of a misdemeanor. Under Section 504 of the Michigan Penal Code, if a person is convicted of a crime under State law designated as a misdemeanor for which no punishment is prescribed, the violation is punishable by up to 90 days' imprisonment or a fine of up to \$500, or both.

Additionally, EO 2020-114 specifies that its requirements have the force and effect of departmental regulations, and that a challenge to the requirements of that EO will proceed through the administrative hearing system. It also states that a failure to abide by the requirements of EO 2020-114 is a violation of the Michigan Occupational Safety and Health Act, which has varied penalties identified within it, including felony charges and fines for a willful violation to maintain a safe workplace. On Monday, June 8, 2020, the Court of Claims ruled that the penalties identified in the Act could not be applied to a failure to adhere to the Order's requirements, removing those potential penalties from the Order, but keeping the rest of the Order intact. See *Associated Builders and Contractors et al v. Whitmer et al*, opinion of the Michigan Court of Claims, Docket No. 20-000092.

Fiscal Impact

Overview

The Executive Orders will have a substantial fiscal impact, immediately and in the near future. Some of these impacts will be absorbed by existing appropriations, while others may require additional appropriations in the future. For orders that prescribe a misdemeanor penalty for a violation, each may have a negative fiscal impact on the State and local governments. New misdemeanor arrests and convictions may increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people will be prosecuted for a violation. Any additional revenue from imposed fines will go to local libraries.

Executive Order 2020-110

The Order will reduce State tax revenue, particularly from individual and corporate income taxes and the sales tax, by an unknown amount that will depend on how long and the degree to which business activity is reduced or that individuals are affected. For individuals, the impact also will be affected by the degree and extent to which individuals continue to receive pay, receive unemployment compensation or otherwise maintain income levels, draw down savings or maintain consumption, work from home, and the degree to which any changes result in prolonged or permanent changes in employment or other financial conditions. Given the magnitude of economic activity affected by the Order, the revenue reductions could be significant and would affect revenue in both fiscal year (FY) 2019-20 as well as FY 2020-21 (when annual payments are due and/or reconciled).

To the extent that the Order restricts less activity than previous orders, it would reduce revenue by less than previous orders. The fact that businesses and consumers are permitted to resume activities does not guarantee that revenue will recover rapidly, particularly levels before the pandemic. Any recovery in revenue will depend on the extent to which economic circumstances (employment, wages, etc.) are similar to levels before the pandemic and that consumers and businesses are comfortable with engaging in economic activity absent the restrictions imposed by an Executive Order. For example, even if a business were free to operate as before the pandemic, and consumers were free to shops as before, consumers may choose to limit their visits and/or their purchases even in the absence of an executive order that compels them to limit their activities. Similarly, to the extent that the Order's provisions limit operating capacity, either by restricting customers or available labor (for example due to proximity restrictions), the Order will result in reduced revenue relative to the absence of those limits but greater revenue than under more severe restrictions imposed by earlier orders.

The DHHS will incur minor administrative costs resulting from the creation and issuance of guidance required under the Order. Existing Department resources will bear these costs.

The Order also will have a negative fiscal impact on the State and City of Detroit. Closing the three casinos in Detroit will reduce revenue to the School Aid Fund and City of Detroit. The three-year, average monthly revenue received by the State and City of Detroit was \$11.1 million to the State and \$16.3 million to the City of Detroit. With the Order going into effect since March 16 and continuing through June, the negative fiscal impact will be at least 3.5 times the average monthly revenue. This equals a \$38.9 million loss to the School Aid Fund and \$57.1 million loss to the City of Detroit. Casino revenue represents 0.8% of the total revenue received by the School Aid Fund, which means that the loss of revenue will be minor in relation to the total School Aid Fund. Casino

revenue represents about 14% of the total general fund revenue received by the City of Detroit, which means that the loss of revenue will be more significant to the City.

The Order may have a negligible fiscal impact on the Michigan Gaming Control Board. The Board may experience a loss of revenue in the form of reduced application and licensing fee revenue because of closing the three casinos in Detroit, horse racing, and Millionaire Parties. In particular, Millionaire Party regulation is entirely reliant on the fees charged to millionaire parties for gaming events. Additionally, with reduced gaming operations, the Michigan Gaming Control Board has reduced administrative and information technology expenditures when compared to previous fiscal years.

Executive Order 2020-111

The Order will have a minimal fiscal impact on MDARD. The requirement under the Order for MDARD to provide outreach to operators of migrant housing facilities and to visit the housing locations to review the Order's provisions will be accomplished by existing staff currently dedicated to migrant labor housing oversight, which includes seven inspectors and a manager.

Executive Order 2020-112

The temporary extension of EO 2020-38 and the rescission of EO 2020-39 will have no fiscal impact on the DHHS. The rescission of loosened certificate of need restrictions in EO 2020-82 will result in a reduction in the availability of hospital beds, mainly for COVID-19 patients, and may result in a decrease in medical expenditures. This decrease will occur if the reduction in hospital beds is greater than the reduction in COVID cases requiring hospitalization.

Executive Order 2020-113

The DTMB may incur minimal additional costs related to the upgrade or purchase of the technology required to accept electronic signatures. Any additional administrative costs will be minor and handled within existing appropriations.

Similarly, the MERC within the LEO and the Michigan Administrative Hearings System within LARA each may incur additional costs associated with needed technology upgrades and increased paper communications. However, it is likely that these costs will be absorbed by existing appropriations for the given time period.

Executive Order 2020-114

The Order will have an indeterminate fiscal impact on State and local government.

By providing guidelines for specified businesses to resume operations, the Order may have a positive impact on the State and local units of government by way of increased tax revenue from resumed business activity. This will take the form of income tax and sales tax revenue when the specified businesses begin to resume operations. On the other hand, the Order tasks State departments and agencies with the responsibility of overseeing compliance with the Order, increasing the regulatory workload for several State departments, including LARA, the DHHS, MDARD, the Department of Transportation, and the Michigan State Police. The Order will increase the workload of the administrative review process, as any challenges to disciplinary action taken by a department for a violation of the Order will be adjudicated by administrative review.

Executive Order 2020-115

To the extent that the Order restricts less activity than previous orders, it will reduce revenue by less than previous orders. The fact that businesses and consumers are permitted to resume activities does not guarantee that revenue recovers rapidly, particularly levels before the pandemic. Any recovery in revenue will depend on the extent to which economic circumstances (employment, wages, etc.) are similar to levels before the pandemic and that consumers and businesses are comfortable with engaging in economic activity absent the restrictions imposed by an Executive Order. For example, even if a business were free to operate as before the pandemic, and consumers were free to shops as before, consumers may choose to limit their visits and/or their purchases even in the absence of an executive order that compels them to limit their activities. Similarly, to the extent that the Order's provisions limit operating capacity, either by restricting customers or available labor (for example due to proximity restrictions), the Order will result in reduced revenue relative to the absence of those limits but greater revenue than under more severe restrictions imposed by earlier orders.

Executive Order 2020-116

The Order will have an indeterminate, but likely negligible fiscal impact on LEO. The Department will experience savings in the form of reduced administrative and printing costs. Savings may be offset by increased spending from publicizing alternative methods for submitting work permit applications. The overall costs and savings are currently unknown but likely will be minimal and within current appropriations.

Conclusion

The EOs summarized above implement various measures in response to COVID-19 in Michigan. These measures affect, among other things, temporary restrictions on events, gatherings, and business, migratory workers and food supply, executive order rescissions, electronic transactions and administrative hearings, safeguards to protect Michigan workers, business re-openings, and the temporary suspension of youth work permit requirements. The EOs will have an impact on local governments, State revenue, and various State departments, including LEO, the DHHS, MDARD, the DTMB, the UIA, LARA, the Michigan Gaming Control Board, and the MERC.

If you have any questions regarding these Executive Orders, please do not hesitate to contact us.

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Attachment

c: Christopher Harkins, Director

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
4	Declaration of State of Emergency	3/10/2020	EO 2020-33	4/1/2020
5	Temporary prohibition on large assemblages and events, temporary school closures	3/13/2020	EO 2020-11	3/16/2020
6	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	3/14/2020	EO 2020-6	3/14/2020
7	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	3/14/2020	EO 2020-37	4/5/2020
8	Enhanced restrictions on price gouging	3/16/2020	EO 2020-18	4/13/2020
9	Temporary restrictions on the use of places of public accommodation	3/16/2020	EO 2020-20	3/22/2020
10	Temporary expansions in unemployment eligibility and cost-sharing	3/16/2020	EO 2020-24	3/25/2020
11	Temporary prohibition on large assemblages and events, temporary school closures	3/16/2020		4/5/2020
12	Enhanced support for deliveries	3/16/2020	EO 2020-44	4/13/2020
13	Temporary enhancements to operational capacity and efficiency of health care facilities	3/17/2020	EO 2020-49	4/14/2020
14	Temporary extension of deadline to redeem property for nonpayment of delinquent property taxes	3/18/2020	EO 2020-106	5/28/2020
15	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	3/18/2020	EO 2020-48	4/14/2020
16	Expanding child care access during the COVID-19 emergency	3/18/2020	EO 2020-51	4/15/2020
17	Temporary restrictions on non-essential medical and dental procedures	3/20/2020	EO 2020-96	5/28/2020
18	Enhanced restrictions on price gouging	3/20/2020	EO 2020-53	4/17/2020

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
19	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	3/20/2020	EO 2020-54	4/17/2020
20	Temporary restrictions on the use of places of public accommodation	3/22/2020	EO 2020-43	4/13/2020
21	Temporary requirement to suspend activities that are not necessary to sustain or protect life	3/24/2020	EO 2020-42	4/9/2020
22	Extension of county canvass deadlines for the March 10, 2020 Presidential Primary Election	3/24/2020		4/30/2020
23	Enhanced authorization of remote means for carrying out state administrative procedures	3/25/2020	EO 2020-45	4/13/2020
24	Temporary expansions in unemployment eligibility and cost-sharing	3/25/2020	EO 2020-57	4/22/2020
25	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	3/25/2020	EO 2020-56	4/21/2020
26	Extension of April 2020 Michigan income tax filing deadlines	3/27/2020		*
27	Conducting elections on May 5, 2020 using absent voter ballots	3/27/2020		5/5/2020
28	Restoring water service to occupied residences during the COVID-19 pandemic	3/28/2020		*
29	Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers	3/29/2020	EO 2020-62	4/26/2020
30	Temporary relief from certain restrictions and requirements governing the provision of medical services	3/29/2020	EO 2020-61	4/26/2020
31	Temporary relief from standard vapor pressure restrictions on gasoline sales	3/30/2020	EO 2020-102	5/22/2020

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
32	Temporary restrictions on non-essential veterinary services	3/31/2020	EO 2020-34	4/2/2020
33	Expanded emergency and disaster declaration	4/1/2020	EO 2020-66 EO 2020-67	4/30/2020
34	Temporary restrictions on veterinary services	4/2/2020	EO 2020-96	5/28/2020
35	Provision of K-12 education during the remainder of the 2019-2020 school year	4/2/2020	EO 2020-65	4/30/2020
36	Protecting workers who stay home, stay safe when they or their close contacts are sick	4/3/2020		*
37	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	4/5/2020	EO 2020-72	5/3/2020
38	Temporary extensions of certain FOIA deadlines to facilitate COVID-19 emergency response efforts	4/5/2020	EO 2020-112	6/11/2020
39	Temporary relief from certain restrictions and requirements governing the provision of emergency medical services	4/7/2020	EO 2020-112	6/3/2020
40	Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons	4/8/2020	EO 2020-73	5/5/2020
41	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	4/8/2020	EO 2020-74	5/5/2020
42	Temporary requirement to suspend activities that are not necessary to sustain or protect life	4/9/2020	EO 2020-59	4/24/2020
43	Temporary restrictions on the use of places of public accommodation	4/13/2020	EO 2020-43	4/30/2020
44	Enhanced support for deliveries	4/13/2020	EO 2020-81	5/11/2020
45	Enhanced authorization of remote means for carrying out state administrative procedures	4/13/2020	EO 2020-80	5/11/2020

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
46	Mitigating the economic harms of the COVID-19 pandemic through the creation of a spirits buyback program for restaurants and bars throughout the state	4/13/2020		*
47	Temporary extension of validity of driver's licenses, state identification cards and registration	4/13/2020	EO 2020-78	5/8/2020
48	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	4/14/2020	EO 2020-75	5/6/2020
49	Temporary enhancements to operational capacity and efficiency of health care facilities	4/14/2020	EO 2020-82	5/12/2020
50	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	4/15/2020	EO 2020-84	5/13/2020
51	Expanding child care access during the COVID-19 pandemic	4/15/2020	EO 2020-83	5/13/2020
52	Temporary extension of certain pesticide applicator certificates	4/17/2020		*
53	Enhance restrictions on price gouging	4/17/2020	EO 2020-89	5/15/2020
54	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	4/17/2020	EO 2020-85	5/14/2020
55	Michigan Coronavirus Task Force on Racial Disparities	4/20/2020		*
56	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	4/21/2020	EO 2020-93	5/19/2020
57	Temporary expansions in unemployment eligibility and cost-sharing	4/22/2020	EO 2020-76	5/6/2020
58	Temporary suspension of certain timing requirements relating to the commencement of civil and probate actions and proceedings	4/22/2020		*
59	Temporary requirement to suspend activities that are not necessary to sustain or protect life	4/24/2020	EO 2020-70	5/15/2020

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
60	Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry	4/24/2020	EO 2020-71	5/1/2020
61	Temporary relief from certain restrictions and requirements governing the provision of medical services	4/26/2020		*
62	Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers.	4/26/2020		6/12/2020
63	Temporary suspending the expiration of personal protection orders	4/27/2020		7/21/2020
64	Affirming anti-discrimination policies and requiring certain health care providers to develop equitable access to care protocols	4/29/2020		*
65	Provision of K-12 education during the remainder of the 2019-2020 school year	4/30/2020		*
66	Termination of the state of emergency and disaster declared under the Emergency Management Act in Executive Order 2020-33	4/30/2020		4/30/2020
67	Declaration of state of emergency under the Emergency Powers of the Governor Act, 1945 PA 302	4/30/2020	EO 2020-99	5/22/2020
68	Declaration of states of emergency and disaster under the Emergency Management Act, 1976 PA 390	4/30/2020	EO 2020-99	5/22/2020
69	Temporary restrictions on the use of places of public accommodation	4/30/2020	EO 2020-110	6/1/2020
70	Temporary requirement to suspend activities that are not necessary to sustain or protect life	5/1/2020	EO 2020-77	5/7/2020

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
71	Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry	5/1/2020	EO 2020-109	5/29/2020
72	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	5/3/2020	EO 2020-108	5/29/2020
73	Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons	5/5/2020		6/2/2020
74	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	5/5/2020		6/30/2020
75	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	5/6/2020		6/30/2020
76	Temporary expansions in unemployment eligibility and cost-sharing	5/6/2020		*
77	Temporary requirement to suspend certain activities that are not necessary to sustain or protect life	5/7/2020	EO 2020-92	5/18/2020
78	Temporary extension of the validity of driver licenses, state identification cards, and certain vehicle registrations	5/8/2020		7/31/2020
79	Temporary suspension of youth work permit application requirements	5/11/2020		6/8/2020
80	Enhanced authorization of remote means for carrying out state administrative procedures	5/11/2020		6/8/2020
81	Enhanced support for deliveries	5/11/2020		5/25/2020
82	Temporary enhancements to operational capacity and efficiency of health care facilities	5/12/2020	EO 2020-112	6/3/2020

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
83	Expanding child care access during the COVID-19 pandemic	5/13/2020		6/10/2020
84	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	5/13/2020	EO 2020-95	5/20/2020
85	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	5/14/2020		6/11/2020
86	Encouraging the use of telehealth services during the COVID-19 emergency	5/14/2020		*
87	Temporary Extension of Deadlines for Boards of Review, County Equalization, and Tax Tribunal Jurisdiction	5/14/2020		**
88	COVID-19 Return to School Advisory Council Executive Office of the Governor	5/15/2020		
89	Enhanced restrictions on price gouging	5/15/2020		6/12/2020
90	Resumption of laboratory research activities	5/15/2020	EO 2020-92	5/18/2020
91	Safeguards to protect Michigan's workers from COVID-19	5/18/2020	EO 2020-97	
92	Temporary requirement to suspend certain activities that are not necessary to sustain or protect life	5/18/2020	EO 2020-96	5/21/2020
93	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	5/19/2020		6/16/2020
94***	Declaration of State of Emergency [Midland]	5/19/2020		6/16/2020
95	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	5/20/2020		6/17/2020
96	Temporary requirement to suspend certain activities that are not necessary to sustain or protect life	5/21/2020	EO 2020-110	6/1/2020
97	Safeguards to protect Michigan's workers from COVID-19	5/21/2020		

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
98***	Declaration of State of Emergency [Midland, Arenac, Gladwin, Saginaw]	5/22/2020		6/16/2020
99	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	5/22/2020		6/19/2020
100	Amending certain previously issued executive orders to clarify their duration	5/22/2020		
101	Extending the expiration date for watercraft registration	5/22/2020		7/31/2020
102	Temporary Relief from Standard Vapor Pressure Restrictions on Gasoline Sales	5/22/2020		6/30/2020
103	Providing alternative notice of public hearing under Michigan's tax abatement statutes	5/22/2020		6/30/2020
104	Increasing COVID-19 testing by expanding the scope of practice for certain professionals and encouraging the establishment of community testing locations	5/26/2020		*
105***	Declaration of State of Emergency [Iosco]	5/26/2020		6/16/2020
106	Establishing deadline to redeem property for nonpayment of delinquent property taxes	5/28/2020		6/29/2020
107***	Department of Labor and Economic Opportunity Michigan Workforce Development Board	5/29/2020		
108	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	5/29/2020		6/26/2020
109	Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry	5/29/2020		6/12/2020
110	Temporary restrictions on certain events, gatherings, and businesses	6/1/2020		*

Executive Orders Issued since Declared State of Emergency related to COVID-19				
EO 2020-	Title	Effective Date	Rescinded by	End Date
111	Protecting the Food Supply and Migrant and Seasonal Agricultural Workers from the effects of COVID-19	6/1/2020		6/29/2020
112	Rescission of certain executive orders	6/3/2020		*
113	Enhanced authorization of remote means for carrying out state administrative procedures	6/4/2020		6/30/2020
*The end date for these marked items will be the end of the declared state of emergency or a date reasonably related to the end of the declared state of emergency.				
**Affecting the 2020 tax year, only.				
***These indicate non-COVID-19 related Executive Orders.				