

**SENATE FISCAL AGENCY  
 MEMORANDUM**

**DATE:** July 6, 2020  
**TO:** Members of the Michigan Senate  
**FROM:** Bruce Baker and Michael Siracuse, Fiscal Analysts  
**RE:** Executive Order 2020-121

**Overview**

On June 12, 2020, Governor Whitmer issued Executive Order (EO) 2020-121, which expands the membership of the Michigan Commission on Law Enforcement Standards (MCOLES) from 19 to 23 members.

Consistent with Article V, Section 2 of the Michigan Constitution, the Order will take effect on August 12, 2020, at 12:01 AM.

**Authority**

Article V, Section 1 of the Michigan Constitution vests the executive power of the State with the Governor. Article V, Section 2 of the Michigan Constitution grants the Governor the authority to make changes in the organization of the executive branch or in the assignment of functions among its units when he or she considers it necessary for efficient administration. When these changes require the force of law, they must be set forth in executive orders and submitted to the Legislature. Upon receipt, the Legislature has 60 calendar days to disapprove such orders by a resolution concurred in by a majority of members in the Senate and in the House of Representatives. The last day for the Legislature to reject the Order is August 11, 2020.

The Order does not include a Type I, II, or III transfer.

**Summary of Order Contents**

This Order expands the membership of the Michigan Commission on Law Enforcement Standards (MCOLES) to include the following additional members:

- The Director of the Michigan Department of Civil Rights, or his or her designee from within the Department
- Three Michigan residents appointed by the Governor with the advice and consent of the Michigan Senate.

The three Michigan residents may not be a law enforcement officer, a Michigan tribal law enforcement officer, or be employed by or otherwise affiliated with a law enforcement agency or a law enforcement training academy.

Of the three Michigan residents appointed to MCOLES, one must be appointed for an initial term expiring on December 31, 2021, one must be appointed for an initial term expiring on December 31, 2022, and one must be appointed for an initial term expiring on December 31, 2023. After the initial term, the members will be appointed to four-year terms. A vacancy occurring other than by expiration of a term must be filled in the same manner as the original appointment for the remainder of the unexpired term.

As used in the Order, "law enforcement agency", "law enforcement officer", "law enforcement training academy", and "Michigan tribal law enforcement officer" mean those terms as defined in Section 2 of the Michigan Commission on Law Enforcement Standards Act.

### **Fiscal Impact**

The Order will have a minimal fiscal impact on MCOLES. Commission members serve without compensation but are entitled to their actual expenses in attending meetings and in the performance of their official duties. To the extent that four additional members will increase these expenses, there will be additional costs.

/mh

c: Christopher Harkins, Director