

**SENATE FISCAL AGENCY  
 MEMORANDUM**

**DATE:** July 15, 2020

**TO:** Members of the Michigan Senate

**FROM:** Bruce Baker, John Maxwell, Elizabeth Raczkowski, Cory Savino, and Michael Siracuse, Fiscal Analysts; and Jeff Mann, Associate Director

**RE:** Coronavirus Disease 2019 (COVID-19) Executive Orders 2020-131 through 2020-138, and 2020-140 through 2020-143

**Overview**

From June 24, 2020, through July 1, 2020, Governor Whitmer issued Executive Orders (EOs) 2020-131 through 2020-138, and 2020-140 through 2020-143 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.<sup>1</sup> These measures affect, among other things, document notarization, remote administrative procedures, professional sports, the creation of an eviction diversion program, care facilities, protections for the food supply and migrant workers, telehealth, youth work permits, notice for public hearings and local tax hearings, preK-12 education, and indoor service at bars and restaurants. Executive Order 2020-135 will create the Michigan Nursing Homes COVID-19 Preparedness Task Force. The EOs will have an impact on State revenue, local governments, and various State departments, including the Department of Licensing and Regulatory Affairs (LARA), the Department of Health and Human Services (DHHS), the Department of Labor and Economic Opportunity (LEO), the Michigan Department of Education (MDE), the Unemployment Insurance Agency (UIA), the Michigan Department of Agriculture (MDARD), the Department of Technology, Management and Budget (DTMB), 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 diseases caused 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 July 14, 2020, the DHHS has reported 70,306 cases and 6,081 deaths attributable to COVID-19.

<sup>1</sup> Executive Order 2020-139 is not COVID-19-related and is not analyzed in this memorandum.

## Authority for Orders

Executive Order 2020-127, 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) 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 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.<sup>2</sup>

A listing of all Executive Orders issued in response to the COVID-19 pandemic through Executive Order 2020-143, 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 2020-131

Effective June 24, 2020, and continuing until July 31, 2020, at 11:59 PM, this Order rescinds and replaces EO 2020-74, relaxes strict compliance with the Uniform Electronic Transactions Act (UETA), the Uniform Real Property Electronic Recording Act (URPERA), and the Michigan Law on Notarial Acts (MLNA).

Compliance with UETA and URPERA is temporarily suspended to the extent necessary to permit the use of an electronic signature for a transaction whenever a signature is required under Michigan law, unless a law specifically mandates a physical signature. Section 18 of the UETA grants the DTMB the authority to determine to what extent State departments send and accept electronic records and electronic signatures from other entities based upon several factors, including security, the type of electronic record or signature, preservation, disposition, integrity, confidentiality, and auditability. The Order temporarily suspends strict compliance with Section 18 of the UETA to allow each State department to send and accept electronic records and electronic signatures without the approval of the DTMB.

Compliance with the MLNA is temporarily suspended to the extent that it requires a notary to be physically present when performing notary services under specifically tailored circumstances. The Order specifies that any notarial act that may otherwise require in-person notarial services may be performed by a commissioned notary using two-way real-time audiovisual technology under the following conditions:

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<sup>2</sup> 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 technology must allow direct interaction between the notary, the person seeking notary services, and any witnesses so each can communicate simultaneously by sight and sound.
- The technology must be capable of creating an audio and visual recording of the complete notarial act and the recording must be retained as a notarial record in accordance with the MLNA.
- The individual seeking notarial services must present satisfactory identification during the video conference in accordance with the MLNA and any other applicable law.
- The individual seeking notarial services must affirmatively represent to the notary that the individual is physically within Michigan or that the documents to be notarized are intended to be filed in Michigan or that such documents involve property within, or substantially connected to, Michigan.
- Electronic signatures for notarial services must be tamper proof.
- The individual seeking notarial services must transmit the entire signed document to the notary on the same day it was signed.

The Order encourages entities and State agencies and officials to use electronic records and electronic signatures to conduct business and to use a remote electronic notary whenever a notarized signature is required. Any requirement under any Michigan law that requires an in-person witness can be satisfied with the use of two-way real-time audiovisual technology under the following conditions:

- The technology must allow for direct contemporaneous interaction by sight and sound between a signatory and a witness.
- The technology must allow for a recording to be preserved of the interaction between the signatory and the witness.
- The signatory must affirmatively represent to the witness that the signatory is physically within Michigan or that the documents to be signed are intended to be filed in Michigan or that the documents involve property within, or substantially connected to, Michigan.
- The signatory must affirmatively state to the witness what document the signatory is signing.
- Each page and signature of the document must be shown to, and observed by, the witness.
- The signatory must transmit the document to the witness within 24 hours after it is executed and the witness must sign the document as a witness and return it to the signatory within 24 hours after receiving it.

The Order permits the signing of any document in counterparts, barring a prohibition with the document that it may not be signed in counterparts. The Order also allows a guardian, guardian ad litem, or visitor to satisfy any visitation requirement using two-way real-time audiovisual technology that allows for direct, contemporaneous interaction by sight and sound.

While it is in effect, the Order prohibits financial institutions and registers of deeds from refusing to record a copy of an electronic record on the ground that it does not bear an original signature, so long as the notary certifies the copy as an accurate electronic record.

The Order extends the validity of a notarial commission that would have been set to expire between March 1, 2020, and July 31, 2020, until July 31, 2020.

For the purposes of the "verified user agreement" requirement of Section 4 of the URPRA, the Order requires that county recording offices deem all financial institutions and all licensed title insurers as covered by a verified user agreement for the duration of the order.

#### Executive Order 2020-132

Effective June 25, 2020, and extending through July 31, 2020, at 11:59 PM, the Order rescinds EO 2020-113 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.

#### Executive Order 2020-133

Effective June 25, EO 2020-133 allows for professional sports teams to resume operations within the State without fans in attendance at games. To the extent compatible with the sporting activity, participants must maintain six feet of distance from one another. Teams that resume operations must conduct their operations pursuant to a COVID-19 safety plan that is consistent with guidance from the Centers for Disease Control and Prevention (CDC) and the DHHS.

#### Executive Order 2020-134

The Order extends EO 2020-118 to July 15, 2020, and rescinds it effective July 16, 2020. Executive Order 2020-118 prohibited evictions during the COVID-19 pandemic unless a tenant posed a substantial risk to another person or a severe risk to property.

In addition to extending EO 2020-118, the Order provides direction for the administration of the Eviction Diversion Program (EDP). Public Act 123 of 2020 provides \$60.0 million in rental assistance in the form of Federal coronavirus relief funds. Under the Act, the rental assistance program provides \$4.0 million to legal aid organizations, \$4.0 million to local community action agencies for case management of the program, and \$2.0 million to LEO for administrative costs and a public awareness campaign. The remaining \$50.0 million is intended to pay for rent arrearages to minimize evictions during the COVID-19 pandemic. This money will be issued as

grants by LEO to Housing Assessment and Resource Agencies (HARAs), which are responsible for making rental assistance payments under the requirements identified in the Order.

#### Executive Order 2020-135

Effective June 26, 2020, the Order creates the Michigan Nursing Homes COVID-19 Preparedness Task Force as an advisory body within the DHHS. The Task Force will inform the State's response to a potential second large-scale outbreak of COVID-19. The Task Force will continue its work for no longer than two years after the issuance of the Order unless ordered otherwise.

#### *Creating the Michigan Nursing Homes COVID-19 Preparedness Task Force*

The Task Force will consist of the following 20 members:

- The Director of the DHHS or his or her designee.
- The Director of LARA or his or her designee.
- The Michigan State Long Term Care Ombudsman or his or her designee.
- Two members each from the Michigan House of Representatives and the Michigan Senate appointed by the Governor, one selected from each of political parties in each respective chambers.
- Thirteen members appointed by the Governor, including individuals with a personal or professional interest in the health, safety, and welfare of nursing home residents and workers.

Any vacancy on the Task Force must be filled in the same manner as the original appointment.

#### *Task Force Duties and Responsibilities*

The Task Force is charged with the following:

- Coordinating across State government and industry stakeholders to ensure input from relevant entities.
- Analyzing data as they relate to COVID-19 and making the data publicly available in a readable format to improve public understanding of COVID-19 in nursing homes.
- Providing periodic reports to the Governor on findings and recommendations and, by August 31, 2020, providing an action plan that makes recommendations to prepare nursing homes for any future waves of COVID-19.

#### *Task Force Operations*

The DHHS must assist and staff the Task Force. Budgeting, procurement, and other management functions needed to perform the Task Force's objectives will be performed under the direction and supervision of the DHHS.

The Task Force may establish advisory workgroups as it deems necessary that include members of the Task Force, other Executive Branch staff, or members of the public. The Task Force may hire or retain contractors, subcontractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental the performance of its duties. Any contract must be consistent with the Order and applicable law, rules, and procedures, subject to available funding.

Any necessary assistance required by the Task Force or to any member or representative of the Task Force must be provided by departments, agencies, committees, commissioners, and officers of this State. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Task Force, consistent with applicable law.

#### Executive Order 2020-136

Effective June 26, 2020, to July 24, 2020, the Order requires all health care facilities, residential facilities, congregate care facilities, and juvenile justice facilities to prohibit from entering those facilities any visitors who are:

- Not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care.
- Not a parent, foster parent, or guardian of an individual who is 21 years old or younger and who is under the facility's care.
- Not visiting an individual under the facility's care who is in serious or critical condition or in hospice care.
- Not visiting under exigent circumstances or to perform an official governmental function.

Under the Order, "residential care facilities" includes homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.

The Order requires all of the facilities listed above to perform a health evaluation of all individuals who are not under the care of the facility each time they seek to enter the facility, and to deny entry to those who do not meet the evaluation criteria. The evaluation criteria must include symptoms of respiratory infection (i.e., fever, cough, shortness of breath, or sore throat), contact in the last 14 days with someone with a confirmed diagnosis of COVID-19, and other criteria specified by the DHHS Director.

In addition, the Order requires all staff members and visitors of a residential care facility, congregate care facility, or juvenile justice facility to wear a covering over their nose and mouth when indoors or within six feet of another person.

The Order also states that while the restrictions are in place, for the facilities covered under the Order, they are to make best efforts to facilitate visitation with individuals under their care by phone or other electronic communications platforms to the fullest extent possible, consistent with normal visitation policies.

This Order rescinds EO 2020-108. A willful violation of the EO 2020-136 is a misdemeanor.

#### Executive Order 2020-137

Effective June 29, 2020, and continuing through November 1, 2020, the Order rescinds EO 2020-111, which expired June 29, 2020, and extends the provisions of that Order, which implements limited and temporary COVID-19-related protocols and preventive measures regarding the housing and working conditions of migrant and seasonal agricultural workers of 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. 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 2020-137 requirements and any relevant DHHS guidance.

The Order differs from EO 2020-111 in that it provides an exemption for bed separation guidelines for single-family housing and specifies that nothing in the Order allows an owner or operator of employer-provided housing camp to deny access to any person on the basis that the camp is a worksite.

#### Executive Order 2020-138

Effective June 29, 2020, and continuing through a state or emergency or state of disaster arising out of the COVID-19 pandemic, the Order authorizes and encourages the use of telehealth services when medically appropriate and after obtaining patient consent. The Order rescinds Executive Order 2020-86.

Under the Order, written consent for treatment is not required. A health care provider may obtain oral consent for telehealth services and must document the consent in a patient's file before providing services. A physician is not required to conduct an in-person examination before prescribing medication or ordering the administration of medication, including controlled substances except for methadone. The Order also suspends strict compliance with sections of the Michigan Medical Marihuana Act, which require a physician to review a patient's relevant medical records and complete a full assessment, including an in-person evaluation, to the extent necessary to enable the use of telemedicine. Two-way interactive video technology and other remote participation tools satisfy the requirements of an in-person evaluation, examination, or visitation under various provisions of the Mental Health Code if an in-person examination is not feasible.

The Order suspends strict compliance with Section 3476 of the Insurance Code, which prohibits an insurer that delivers, issues, or renews a health insurance policy in the State from requiring face-to-face contact between a health care professional and a patient for services provided through telemedicine. Health care providers are required to abide by applicable guidance issued by the Substance Abuse and Mental Health Services Administration, the Centers for Medicare and Medicaid Services, the CDC, and the Drug Enforcement Agency when providing telehealth services.

The Order suspends strict compliance with certain rules and statutes related to substance use disorder services programs and to the prescription, dispensing, and administration of controlled substances.

Under the Order, a licensed medical professional in good standing to practice in a state other than Michigan may use telehealth when treating patients in Michigan without a license to practice medicine in Michigan.

#### Executive Order 2020-140

Effective June 30, 2020, and continuing through July 31, 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.

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 MDE, in cooperation with LEO, in accordance with prescribed instructions.

#### Executive Order 2020-141

Effective June 30, 2020, to July 31, 2020, the Order rescinds EO 2020-103 and allows tax abatement hearings to be conducted electronically, either by phone or video-conferencing. The Order also suspends temporarily strict compliance with any requirement under a tax abatement statute to provide notice of a public hearing and allowed local units of government to provide notice for such hearings in the following ways:

- For real property owners, notice has to be made by publishing the hearing information in three successive issues of a generally circulated newspaper, or by posting such information in five conspicuous places in the appropriate tax abatement district.
- For assessors and public officials entitled to notice, notice has to be made by email.
- For the general public, notice has to be made by a posting on the local government's website.

The above notice requirements are offered in addition to the standard statutory requirements, which still could be applied so long as a local unit of government is able to adhere to the requirements of EO 2020-114. Whether or not the statutory requirements are met, or the electronic methods of notice are used, notices must include the following:

- An explanation as to why the public body is meeting electronically.
- The procedures by which the public can participate electronically.
- The procedures by which individuals can contact members with input or questions.
- The procedures by which individuals with disabilities can participate.

The Order does not change the time requirements for notices under any tax abatement statute. To the extent the Order conflicts with any requirement set by a local governmental unit's charter or ordinances, the Order controls.

#### Executive Order 2020-142

Executive Order 2020-142, issued on June 30, 2020, requires local schools to establish COVID-19 Preparedness and Response Plans (Preparedness Plans) for K-12 instructions. There are multiple plans required depending on if the school is located in a region at phase 1, 2, 3, 4, or 5 of the Michigan Safe Start Plan. The Order is broken into seven sections, summarized below:

- I. The Order requires money from the Coronavirus Relief Fund to be available for districts to aid in the developing, adopting, and implementation of the Preparedness Plan.
- II. The Order requires every school district, charter school, and nonpublic school to develop and adopt a preparedness plan that has input from the Michigan Return to School Roadmap

issued by the COVID-19 Task Force on Education and Return to School Advisory Council. The Preparedness Plans must, at a minimum, do the following:

- Describe the policies and procedures for all school districts and charter schools located in a region in that is in Phase 1, 2, or 3 of the Michigan Safe Start Plan. Those policies and procedures must do the following:
    - Require the closure of school buildings to anyone except district employees or contractors necessary to conduct minimum basic operations consistent with a Preparedness Plan, food-service workers preparing food for distribution to students or their families, licensed child-care providers and the families that they serve.
    - Suspend athletics, after-school activities, interschool activities, and busing.
    - Offer alternative modes of instruction other than in-person instruction and a summary of materials each student and each student's parents or guardians will need to meaningfully access alternative modes of instruction included in the Preparedness Plan. (If the Preparedness Plan relies on electronic instruction, the Plan must consider how the district will aid students who lack access to computer or the internet).
    - Provide for the continuation of food distribution to eligible students.
    - Provide for the continued pay of school employees while redeploying staff to provide meaningful work in the context of the Preparedness Plan, subject to any applicable requirements of a collective bargaining agreement.
  - Describe the policies and procedures that a district will follow when the region in which the district is located is in phase 4 of the Michigan Safe Start Plan. Those policies and procedures must do the following, at a minimum:
    - Require face coverings to be worn (except during meals or unless face coverings cannot be medically tolerated) by all staff and students in grades pre-kindergarten and up when on a school bus or when in indoor hallways and common areas, all staff and all students in grades 6 and up when in class rooms, and all students in grades kindergarten through 5, unless students remain with their classes during the school day and do not come into close contact with students in another class.
    - Prohibit indoor assemblies that bring together students from multiple classrooms.
    - Incorporate the Return to School Roadmap's required protocols governing hygiene, cleaning, athletics, screening, testing protocols, and busing and student transportation.
  - Describe the policies and procures that the district will follow when that region is in Phase 5 of the Michigan Safe Start Plan.
  - Address each subpart of the Return of School Roadmap and indicate if a school plans to exclude any highly recommended protocol.
- III. The Order allows a district that lacks the capacity to implement a Preparedness Plan on its own to partner with one or more other districts or intermediate districts. A district can enter into one or more cooperative agreements under Section 11a(4) of the Revised School Code to provide for implementation of a Preparedness Plan.

- The Order requires that, by August 15, 2020, or seven days before the start of the school year for students, whichever comes first, the local school district board, the public school academy board of directors, or a chief or designated administrator of a nonpublic school must approve a district's, public school academy's, or nonpublic school's Preparedness Plan, respectively.
- By August 17, 2020, the Order requires the following:
  - Intermediate school districts must collect Preparedness Plans from all the school boards of their constituent districts and transmit them to the Superintendent of Public Instruction (SPI) and the State Treasurer.
  - Authorizing bodies must collect Preparedness Plans from all the public school academy boards of directors that they authorize and transmit them to the SPI and the State Treasurer.
  - Chief or designated administrator of a nonpublic schools must transmit copies of approved Preparedness Plans to the SPI.
  - Districts and nonpublic schools must post their approved Preparedness Plans on the home page of their public internet sites.

IV. The Order specifies the following requirements for the provision of special education:

- If a district provides in-person education to students without disabilities, it also must provide in-person instruction to students with disabilities (consistent with the students' respective individualized education plan), and when a school is closed to in-person instruction, it must strive, in good faith, to provide equal access to alternative modes of instruction to students with disabilities from birth through 26 years of age, including certain auxiliary services.
- While any state of emergency or disaster related to the COVID-19 pandemic continues, districts must comply with guidance from the US Department of Education, its Office of Civil Rights and Office of Special Education and Rehabilitative Services, and the MDE concerning the delivery of alternative modes of instruction to students with disabilities.
- To the extent practicable and necessary, a district must make individualized determinations to what extent compensatory services may be needed for students in light of school closures during the 2019-2020 school year.
- The State will not penalize a district or a nonpublic school that has been allocated Federal funds for the purpose of providing special education services due to the school's inability to provide such services due to school closures resulting from a COVID-19 state of emergency or disaster.

V. By July 15, 2020, the SPI is encouraged to request, in writing, that US Department of Education waive the requirements that Michigan students take assessments as conditions of continued receipt of funding under the Every Student Succeeds Act.

VI. The Order specifies the following in relation to its implementation:

- All provisions of EO 2020-65 suspending strict compliance with the School Aid Act or the Revised School Code from the 2019-2020 school year—including all provisions in Part I(2) through Part I(13) and provisions in Parts IV, VII, VIII, and IX—remain in effect through the fiscal year ending September 30, 2020, and EO 2020-65 is rescinded, excluding the Parts previously described.

- The limits on the size of indoor social gatherings in EO 2020-110 or any succeeding Order does not apply to students in a classroom setting.
- For the purposes of this Order, a district that straddles regions will be treated as if it were in the region designed as a higher risk.
- All schools, public and private, must cooperate with local public health departments if a confirmed case of COVID-19 is identified, and must collect the contact information for any close contacts of the affected individual from two days before he or she showed symptoms to the last time when she or she was present in the school.
- A district or nonpublic schools without an approved Preparedness Plan is not permitted to open or operate for in-person instruction for the 2020-2021 school year.
- A district may adopt year-round school or a year-round program for the 2020-2021 school year or start that school year before the first Monday in September.
- Any closure of schools relating to COVID-19 will not affect an employer contribution, employee contribution, or the accrual of service credit under the Public School Employees Retirement Act.
- If a district has a collective bargaining agreement, the Order must be implemented in a manner consistent with the collective bargaining agreement.
- When the MDE or the SPI issued a waiver or suspends an administrative rule related to this Order or EO 2020-65, the SPI must provide the Governor, in writing, with a copy of the waiver and information relating to the issuance or suspension, and any waiver issued by the SPI under Part VIII of EO 2020-65 will remain in effect through the end of the fiscal year unless otherwise rescinded by the SPI.

VII. Section 7 of the Order provides definitions of terms used throughout EO 2020-142.

#### Executive Order 2020-143

Executive Order 2020-143 required the cessation of indoor services at bars beginning July 1, 2020, at 11:00 PM. The Order also required certain food service establishments to comply with additional regulations. It does not apply to Regions 6 or 8 as defined by Executive Order 2020-110.

Under the Order, an establishment that holds an on-premises retailer license to sell alcoholic beverages and earns more than 70% of its gross receipts from alcoholic beverage sales must cease indoor service. Affected establishments which remain open for outdoor service must limit customer movement and require face coverings when customers pass through indoor areas.

Any establishment that services alcoholic beverages for on-site consumption must comply with several regulations listed in the Order, including requiring customers to wear face coverings and limiting the movement, activities, and seating arrangements of patrons. Establishments must continue to follow the directives of EO 2020-114.

The Order temporarily suspends dance and topless activity permits. However, combination dance-entertainment and topless-entertainment permits continue to be valid for nondancing, nontopless entertainment. Executive Order 2020-143 does not affect the holder of a social district license from selling alcoholic beverages to patrons as permitted under Public Act 124 of 2020.

## Violations of Orders

Executive Orders 2020-133, 2020-136, 2020-137, and 2020-143 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 maximum fine of \$500, or both.

## **Fiscal Impact**

### Overview

The 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 2020-131

Executive Order 2020-131 will have an indeterminate, positive fiscal impact on the State and local units of government. The Order is designed to encourage the transaction and exchange of signed or notarized business or real property documents with the aid of video conferencing instead of in-person requirements. It should be noted that the three Acts cited in the Order already validate electronic transactions and signatures. The Order only addresses three types of electronic transactions currently prohibited by law; those of the individual State departments (which no longer will need approval from the DTMB to conduct business electronically), those involving county recording offices (who will not need an established, verified user agreement to conduct business with licensed financial institutions or licensed title insurers), and those involving notarized documents, which traditionally require in-person notarial services.

The positive fiscal impact on State and local units of government will come from direct or indirect revenue as a result of the increased flow of business transactions (including Department contracts), deed recordings, and real property transactions. The degree of this impact will depend upon the ability of the State and the business community to adapt to, and employ, the use of electronic video conferencing tools.

### Executive Order 2020-132

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 2020-133

The Order is unlikely to have a fiscal impact on the State or local units of government. Sporting events without fans means there will be no tax revenue from ticket sales, parking, concessions, or gameday patronage at nearby restaurants.

#### Executive Order 2020-134

The Order will have a negative fiscal impact on LEO and HARAs. The Department would experience extensive administrative costs to create and operate the EDP. This includes providing program guidance, calculating grant amounts to local HARAs, and providing public awareness of the program. These administrative costs would be greater than current appropriations. Senate Bill 690 provides up to \$2.0 million to the Department to cover these additional costs.

Local HARAs would experience additional costs to process and issue conditional dismissals and lump sum rental assistance payments. This could include additional administrative costs in the form of staff and information technology costs. All local HARAs would experience costs to establish a local program and variable costs dependent on the need and demands at the local level. Senate Bill 690 of 2020 provides up to \$4.0 million to local HARAs to cover local costs for operating the program.

Minor administrative costs to local court systems also is anticipated. Courts will need direction and coordination to ensure the proper application of the EDP program statewide. Some direction is provided under the State Court Administrative Office's Administrative Order 2020-17.

#### Executive Order 2020-135

The Department of Health and Human Services will incur the costs for staff or support that is provided to the Task Force. Members of the Task Force will serve without compensation; however, they may be reimbursed for necessary travel and expenses consistent with current law, rules, and procedures subject to available funding.

The typical annual costs to support an advisory committee can range from \$10,000 to \$200,000 depending on the travel expenses and staff demands of the Task Force. As mentioned, the costs will be determined by demand and available funding within the DHHS. Accordingly, there is no anticipated need for additional funding.

#### Executive Order 2020-136

There are two main requirements listed under the Order. First, a reduction in the types of visitors who are allowed into facilities. Second, for those individuals who meet the enhanced screening criteria, a health evaluation upon entry. These requirements apply to health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities. When determining the fiscal impact to the State and local units of government, it is necessary to ascertain which of these types of facilities, in fact, are operated by the State or local units of government and thus may have realized a direct increase in operating costs.

Currently, the State operates five inpatient psychiatric hospitals: Caro Center, Center for Forensic Psychiatry, Hawthorn Center, Kalamazoo Psychiatric Hospital, and Walter Reuther Psychiatric Hospital. These five facilities are covered under the "health care facility" portion of the Order. The State also operates two juvenile justice facilities: Bay Pines Center and Shawono Center. The University of Michigan Health System operates hospitals that can be considered State-operated health care facilities. Additionally, there are many local units of government, mostly counties, that operate many of these types of facilities, so any cost increase needed to implement this order will be borne by the facility's local funding entity.

Leaving health care facilities aside, the remainder of the facility types covered under the Order likely already have existing secured entry processes, so any enhanced screening criteria for visitors likely will not increase costs. However, to the extent that State and locally operated facilities require additional medical diagnostic tools to evaluate for fever or other symptoms, there will be a cost to the State and local units of government. For health care facilities, it is possible that the new entrance policy requirements will require new infrastructure or staffing requirements to ensure that visitors comply with them. Outside of health care facilities run by the University of Michigan health system, there will be no direct cost to State government. For health care facilities operated by local units of government, there will be additional costs.

Also, there are numerous non-State managed health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities that operate under contracts with State and local units of government. As these facilities are not under direct State management, these costs will not be direct costs to the State or local units of government, but to the extent that these costs will be recovered through future contract or service rate increases, there will be an indirect cost to State and local units of government.

Additionally, the Order requires that all staff members and visitors to residential care facilities wear a covering over their nose and mouth when indoors or within six feet of another person. For those staff members who are employed by a residential care facility that is operated by the State or a local unit of government, the governmental entity likely has to provide the covering to meet the obligation imposed under the Order. It is uncertain as to the fiscal cost for the provision of these face coverings.

Lastly, the Order requests that facilities make best efforts to facilitate visitation by phone or electronic communication platforms to the fullest extent possible, consistent with normal visitation policies. It is not clear to what extent there is any existing infrastructure for phone or electronic communication platforms in the facilities. To the extent that there is existing infrastructure in the State managed facilities, such as facility telephones, State-issued cell phones, or State-issued hardware that enables connection to electronic communication platforms, there will be no cost to State government. It is unclear from the text of the Order whether making a best effort requires the facility to obtain necessary infrastructure to allow for the facilitation of visitation. If the Order requires procurement of goods needed to comply with the order there will be direct costs to the State and any local units of government that are a fiduciary for a facility covered under the Order.

#### Executive Order 2020-137

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 (as it did under the requirements of previous EO 2020-111) which includes seven inspectors and a manager.

#### Executive Order 2020-138

Executive Order 2020-138 may result in an increase in costs for the State depending on the increase in the number of telehealth services provided to beneficiaries of State-funded healthcare or health insurance programs, such as the Healthy Michigan Plan, traditional Medicaid program, or employer-provided health insurance for State employees. All other things being equal, if the Order increases the number of allowable visits with health care providers over the expected number of visits by beneficiaries funded through capitated rates paid to health insurance companies or direct payments to providers, the State will see an increase in costs.

The Order will not have a significant fiscal impact on the LARA. The Department may incur minor costs related to the dissemination of information about the Order. Administrative and oversight costs likely will be sufficiently absorbed by existing appropriations.

#### Executive Order 2020-140

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.

#### Executive Order 2020-141

The Order will not have a measurable fiscal impact on the State or local units of government. The Order offers an alternative means for local units of government to conduct, and provide notice for, tax abatement hearings that those local units of government may otherwise not be able to conduct under the restrictions of EO 2020-114. To the degree that this allows local units of government to conduct hearings they otherwise could not, there may be some positive fiscal implications. Some additional expenses also may be incurred, related to the acquiring and employing the proper technology, when using the alternative methods to conduct, and provide notice for, such hearings. The relative costs or expenses to local units of government are indeterminate.

#### Executive Order 2020-142

Schools will face additional costs to establish Preparedness Plans, which then will need to be approved by local school boards and issued to the Superintendent of Public Instruction, State Treasurer, and the public by August 17. These costs could include additional administrative time and costs to ensure plans are approved by the deadline.

After plans are approved, schools would experience different costs/savings depending on if they are in a region that is in phases 1, 2, 3, or 4 of the Michigan Safe Start Plan.

Schools located in a region that is in phase 1, 2, or 3 of the Michigan Safe Start Plan will face some building-related savings with the closure of school buildings for in-person instruction, although those savings will be lessened to the extent child care centers are operating in those buildings. To the extent hourly workers are not paid during the school closures, districts will see

additional savings. It is likely, however, that districts will see increased costs to the extent alternative modes of instruction included in a district's learning plan are greater than the costs that otherwise would have occurred on-site. These types of costs primarily will center on technology, i.e., devices, connectivity, applications, and personnel, among other things.

Schools located in a region in phase 4 of the Michigan Safe Start Plan will experience additional costs to ensure students and staff meet the face coverings requirements, possible schedule changes, and established protocols for hygiene, cleaning, and various school functions. This may include additional purchases of mask, cleaning supplies, or other custodial costs. Schools located in a region in phase 5 of the Michigan Safe Start Plan likely will return to typical levels of operating costs.

The Coronavirus Relief Fund is available to provide support to local schools to develop, adopt, and implement Preparedness Plans.

The Michigan Departments of Education and Treasury will experience costs to collect and retain Preparedness Plans from local school boards and authorizing bodies. These costs likely will be minimal and within current appropriations.

#### Executive Order 2020-143

Executive Order 2020-143 will have an indeterminate fiscal impact on the State government and no significant fiscal impact on local units of government. Prolonged cessation of indoor service may result in a decrease in alcohol sales and an accompanying decrease in tax revenue. The cost of investigating and addressing potential violations of the Order likely will be absorbed by existing appropriations to LARA.

#### **Conclusion**

The EOs summarized above implement various measures in response to COVID-19 in Michigan. These measures affect, among other things, document notarization, remote administrative procedures, professional sports, the creation of an eviction diversion program, care facilities, protections for the food supply and migrant workers, telehealth, youth work permits, notice for public hearings and local tax hearings, preK-12 education, and indoor service at bars and restaurants. Executive Order 2020-135 will create the Michigan Nursing Homes COVID-19 Preparedness Task Force. The EOs will have an impact on State revenue, local governments, and various State departments, including LARA, the DHHS, LEO, the MDE, the UIA, MDARD, the DTMB, and the MERC.

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

/mh

Attachment

c: Christopher Harkins, Director

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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
06	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

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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	EO 2020-122	6/19/2020
59	Temporary requirement to suspend activities that are not necessary to sustain or protect life	4/24/2020	EO 2020-70	5/15/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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	EO 2020-119	6/11/2020
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	EO 2020-142	9/30/2020
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

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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	EO 2020-131	6/24/2020
75	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	5/6/2020	EO 2020-129	6/18/2020
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	EO 2020-80	6/4/2020
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

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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 EO 2020-117	5/20/2020 6/9/2020
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	EO 2020-118	6/11/2020
86	Encouraging the use of telehealth services during the COVID-19 emergency	5/14/2020	EO 2020-138	6/29/2020
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	EO 2020-124	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	EO 2020-123	6/15/2020
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		

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
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	EO 2020-127	6/18/2020
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	EO 2020-141	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	EO 2020-136	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	EO 2020-126	6/17/2020
110	Temporary restrictions on certain events, gatherings, and businesses	6/1/2020		*

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
111	Protecting the Food Supply and Migrant and Seasonal Agricultural Workers from the effects of COVID-19	6/1/2020	EO 2020-137	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	EO 2020-132	6/25/2020
114	Safeguards to protect Michigan's workers from COVID-19	6/5/2020		*
115	Temporary restrictions on certain events, gatherings, and businesses	6/5/2020		*
116	Temporary suspension of youth work permit application requirements	6/5/2020	EO 2020-140	6/30/2020
117	Expanding child care access during the COVID-19 pandemic	6/9/2020		7/7/2020
118	Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home	6/11/2020	EO 2020-134	7/15/2020
119	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	6/11/2020		7/9/2020
120	Returning overnight camps to operation	6/12/2020		
121***	Department of State Police Michigan Commission on Law Enforcement Standards Executive Reorganization	8/12/2020		
122	Ending the extension of case-initiation deadlines	6/12/2020		
123	Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic	6/15/2020		7/12/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
124	Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies	6/16/2020		7/14/2020
125	Clarifying WDCA Eligibility for Workplace Exposure to COVID-19	6/17/2020	EO 2020-128	6/18/2020
126	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	6/17/2020		7/15/2020
127	Declaration of state of emergency and state of disaster related to the COVID-19 pandemic	6/18/2020		7/16/2020
128	Clarifying WDCA Eligibility for Workplace Exposure to COVID-19	6/18/2020		*
129	Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards	6/18/2020		7/31/2020
130***	Executive Office of the Governor Michigan Statewide Independent Living Council Rescission of Executive Order 2016-11	7/15/2020		
131	Encouraging the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic	6/24/2020		7/31/2020
132	Enhanced authorization of remote means for carrying out state administrative procedures	6/25/2020		7/31/2020
133	Restarting professional sports	6/25/2020		*
134	Eviction diversion program for COVID-19-related debtors	6/26/2020		*
135	Creation of Michigan Nursing Homes COVID-19 Preparedness Task Force Department of Health and Human Services	6/26/2020		6/26/2022
136	Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities	6/26/2020		7/24/2020

<b>Executive Orders Issued since Declared State of Emergency related to COVID-19</b>				
<b>EO 2020-</b>	<b>Title</b>	<b>Effective Date</b>	<b>Rescinded by</b>	<b>End Date</b>
137	Protecting the Food Supply and Migrant and Seasonal Agricultural Workers from the effects of COVID-19	6/29/2020		11/1/2020
138	Encouraging the use of telehealth services during the COVID-19 emergency	6/29/2020		*
139***	Naming the "Elliott-Larsen Building"	6/30/2020		permanent
140	Temporary suspension of youth work permit application requirements	6/30/2020		7/31/2020
141	Providing alternative notice of public hearings under Michigan's tax abatement statutes	6/30/2020		7/31/2020
142	Provision of preK-12 education for the 2020-2021 school year	6/30/2020		*
143	Closing indoor service at bars	7/1/2020		*
*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.				