

**SENATE FISCAL AGENCY
 MEMORANDUM**

DATE: December 23, 2020
TO: Members of the Michigan Senate
FROM: Ellyn Ackerman, Fiscal Analyst
RE: Executive Order 2020-193

Executive Order 2020-193

On December 10, 2020, Governor Whitmer issued Executive Order (EO) 2020-193, which creates the Protect Michigan Commission as an advisory body within the Department of Health and Human Services (DHHS). The Commission will act in an advisory capacity to the Governor to raise awareness of the safety and effectiveness of an approved COVID-19 vaccine, educate the people of Michigan about the vaccine, and protect the health and safety of Michigan residents. The Commission will submit a final report to the Governor by December 31, 2021.

Article V, Section 1 of the Michigan Constitution states that the power of the executive is vested in the Governor. Article V, Section 2 of the Michigan Constitution grants the Governor the power to make changes in the organization of executive departments that she considers necessary for efficient administration and that do not require the force of law. The establishment of the Protect Michigan Commission is not subject to legislative disapproval, and the Order creating it was effective on the date it was filed, December 10, 2020.

Creation of the Protect Michigan Commission

Executive Order 2020-193 creates the Protect Michigan Commission as an advisory body within the DHHS. The Task Force will consist of the following:

- The Lieutenant Governor.
- The chief medical executive of the State.
- At least 50 members appointed by the Governor; these members must represent various sectors and communities, and reflect the diverse geographic, economic, racial, cultural, age, gender, and occupational composition of the State.

Charge to the Commission

The Commission must act in an advisory capacity to the Governor to provide leadership to reinforce the importance of an approved COVID-19 vaccine. In order to fulfill this charge, the Commission must identify the barriers that may impede acceptance of an approved vaccine and support the development and implementation of an outreach action plan to overcome these barriers. Additionally, the Commission must work with the Racial Disparities Task Force, and other relevant task forces, as well as coordinate efforts and resources with Federal, State, and local entities working to ensure widespread use of the vaccine. Finally, the Commission must provide input on, and help distribute, education and promotional materials to encourage the use of the

vaccine. The Commission must submit its final report to the Governor by December 31, 2021, at which time the Commission must be dissolved.

Operations of the Commission

The Commission will be staffed and assisted by the DHHS and will be provided any budget, procurement, or other management functions necessary to perform its objectives. The Governor must designate the chairperson and vice chairperson of the Commission and may appoint one or more individuals to serve as honorary chairpersons. The Commission must adopt procedures consistent with all Michigan law and meet at least quarterly until December 31, 2021.

The Commission may establish advisory workgroups, conduct investigations, hold hearings, consult with outside experts, or hire or retain contractors or consultants as determined by the Director of the DHHS. Members of the Commission must refer all legislative and media contacts that involve the Commission to the DHHS.

Types of Transfers

Article V, Section 2 of the State Constitution authorizes the Governor to organize the Executive branch of government by Executive Order. Three types of reorganizations are identified in the Executive Organization Act:

Type I Transfer. Under a Type I transfer, an existing department, board, commission, or agency is transferred intact to another principal department. The entity is administered under the supervision of the new principal department; however, the prescribed statutory powers, duties, and functions are exercised by the entity as a relatively autonomous entity.

Type II Transfer. Under a Type II transfer, all of the statutory authority, powers, duties, and functions, as well as records, personnel, property, unspent balances of appropriations and other funds associated with an entity, and the entity itself, are transferred to and placed under the authority of the principal department.

Type III Transfer. A Type III transfer abolishes an existing entity. The statutory authority, powers, duties, functions, records, personnel, and funding are not abolished, but are transferred to a principal department.

Executive Order 2020-193 does not include a transfer of any department, board, commission, agency, or entity. It creates an advisory body within the DHHS for the purpose of raising awareness and educating people about the safety and effectiveness of an approved COVID-19 vaccine.

Fiscal Impact

The Department of Health and Human Services will incur any costs for staff or support that is provided to the Commission. Members of the Commission 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 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; thus, there is no anticipated need for additional funding.

Summary

Executive Order 2020-193 would create the Protect Michigan Commission as an advisory body within the Department of Health and Human Services to act in an advisory capacity to the Governor. The Commission will raise awareness of the safety and effectiveness of an approved COVID-19 vaccine, educate the people of Michigan about the vaccine, protect the health and safety of the residents of the State, and report on the efforts of the Commission to the Governor by December 31, 2021.

The EO that created the Commission was effective on the date it was filed, December 10, 2020.

If you have any questions on EO 2020-193, please do not hesitate to contact me.

/mh

c: Christopher Harkins, Director
Steve Angelotti, Associate Director