

## SENATE CONCURRENT RESOLUTION NO.25

Senators Barrett, Bumstead, Lucido and MacDonald offered the following concurrent resolution:

1           A concurrent resolution to demand that the Governor compile  
2 and make publicly available certain data, to reject an extension of  
3 the state of emergency or disaster, and to encourage the people of  
4 Michigan to continue to practice safe social distancing.

5           Whereas, Under the Emergency Management Act, 1976 PA 390, the  
6 Governor may declare a state of disaster and a state of emergency  
7 for the reasons specified therein; and

8           Whereas, A state of disaster or state of emergency declared  
9 under the Emergency Management Act continues until the Governor  
10 finds that the threat or danger has passed, the disaster or  
11 emergency has been dealt with to the extent that disaster or  
12 emergency conditions no longer exist, or until the declared state  
13 of disaster or emergency has been in effect for 28 days; and

1           Whereas, After 28 days, the Governor shall issue an executive  
2 order or proclamation declaring the state of disaster or emergency  
3 terminated, unless a request by the Governor for an extension of  
4 the state of disaster or emergency for a specific number of days is  
5 approved by resolution of both houses of the Legislature; and

6           Whereas, An executive order or proclamation declaring the  
7 state of disaster or emergency shall indicate the area or areas  
8 threatened, the conditions causing the emergency, and the  
9 conditions permitting the termination of the state of emergency;  
10 and

11           Whereas, On March 10, 2020, Governor Whitmer issued Executive  
12 Order 2020-4 declaring a state of emergency across the entire state  
13 of Michigan to address the COVID-19 pandemic; and

14           Whereas, On April 1, 2020, Governor Whitmer issued Executive  
15 Order 2020-33 to replace Executive Order 2020-4 and expand the  
16 initial March 10, 2020, declaration to include a state of disaster  
17 related to the COVID-19 pandemic through April 30, 2020; and

18           Whereas, Executive Order 2020-33 states that the state of  
19 emergency and the state of disaster will terminate when emergency  
20 and disaster conditions no longer exist and appropriate programs  
21 have been implemented to recover from any effects of the statewide  
22 emergency and disaster, consistent with the legal authorities upon  
23 which the declaration is based and any limits imposed by those  
24 authorities, including Section 3 of the Emergency Management Act,  
25 1976 PA 390, MCL 30.403; and

26           Whereas, On April 1, 2020, Governor Whitmer requested that the  
27 Legislature pass a concurrent resolution extending the state of  
28 emergency and state of disaster statewide across Michigan through  
29 April 30, 2020; and

1           Whereas, On April 7, 2020, the Legislature passed Senate  
2 Concurrent Resolution No. 24 authorizing Executive Order 2020-33  
3 through April 30, 2020; and

4           Whereas, Governor Whitmer issued Executive Order 2020-42 to  
5 replace Executive Order 2020-21, effective April 9, 2020, and  
6 extend the suspension of certain activities across the entire state  
7 of Michigan through April 30, 2020; and

8           Whereas, On April 24, 2020, Governor Whitmer issued Executive  
9 Order 2020-59 to replace Executive Order 2020-42 and suspend  
10 certain activities across the entire state of Michigan through May  
11 15, 2020; and

12           Whereas, The duration of Executive Order 2020-59 through May  
13 15, 2020, extends beyond the April 30, 2020, duration of Executive  
14 Order 2020-33; and

15           Whereas, Governor Whitmer did not provide scientific data to  
16 justify the state of emergency being declared equally across all 83  
17 counties of the state of Michigan or to demonstrate that the  
18 statewide suspension of certain activities under Executive Order  
19 2020-42 and Executive Order 2020-59 were necessary, reasonable, and  
20 not creating undue hardships; and

21           Whereas, Suspension of activities under Executive Order 2020-  
22 42 and Executive Order 2020-59 placed arbitrary and inconsistent  
23 restrictions, without reasonable scientific justification, on  
24 particular activities of a person, sometimes resulting in  
25 oppressive consequences, regardless of a person's efforts to  
26 implement national guidelines for safe social distancing that  
27 combat the spread of COVID-19 and without considering if a person  
28 has recovered from COVID-19; and

29           Whereas, Executive Order 2020-42 and Executive Order 2020-59,

1 placed arbitrary and inconsistent restrictions, without reasonable  
2 scientific justification, on some businesses but not on others,  
3 regardless of efforts by a business to implement national  
4 guidelines for safe social distancing that can combat the spread of  
5 COVID-19; and

6       Whereas, Executive Order 2020-42 and Executive Order 2020-59  
7 placed arbitrary and inconsistent restrictions, without reasonable  
8 scientific justification, on individual's rights to associate,  
9 assemble, worship, and travel, including but not limited to the  
10 ability of a person to assemble for worship or see family members  
11 outside of a person's household, regardless of efforts taken to  
12 implement national guidelines for safe social distancing that can  
13 combat the spread of COVID-19 and without considering if a person  
14 has recovered from COVID-19; and

15       Whereas, COVID-19 has impacted population groups differently,  
16 with some high-risk persons who are older or have underlying health  
17 conditions being more vulnerable and other low-risk persons able to  
18 safely participate in activities by following national guidelines  
19 for safe social distancing or if they have recovered from COVID-19;  
20 and

21       Whereas, COVID-19 has impacted areas and regions of the state  
22 differently with some counties being able to effectively contain  
23 the spread of COVID-19 by following national guidelines for safe  
24 social distancing; now, therefore, be it

25       Resolved by the Senate (the House of Representatives  
26 concurring), That we demand that the Governor compile and make  
27 available within three days from the date of this concurrent  
28 resolution, in a manner easily accessible by the public, detailed  
29 data, summarized by county, on:

- 1           1. The daily number of available hospital related beds  
2           occupied by all patients since January 1, 2020,  
3           segregated by in-patient beds, negative air flow beds,  
4           and intensive care unit (ICU) beds.
- 5           2. The daily number of available hospital-related beds  
6           occupied by verified COVID-19 patients since January 1,  
7           2020, segregated by in-patient beds, negative air flow  
8           beds, and ICU beds.
- 9           3. The daily number of emergency room visits in total and  
10          the daily number of emergency room visits by patients  
11          testing positive for COVID-19 since January 1, 2020.
- 12          4. The daily number of verified COVID-19 hospitalizations  
13          and verified COVID-19 deaths that are related to  
14          retirement or nursing homes since January 1, 2020.
- 15          5. The daily number of verified COVID-19 hospitalizations  
16          and verified COVID-19 deaths of individuals, who have had  
17          other pre-existing or underlying health conditions, since  
18          January 1, 2020, with a segregation of those health  
19          conditions and a breakout of verified COVID-19  
20          hospitalizations and verified COVID-19 deaths by age,  
21          gender, and race.
- 22          6. The daily number of ventilators available and daily  
23          inventories of hospital personal protective equipment  
24          since April 9, 2020.
- 25          7. The number of medical professionals who have been  
26          furloughed, had work hours reduced, or received a cut in  
27          pay since March 10, 2020.

28 ; and be it further

29       Resolved, That we demand that all data related to emergency

1 room visits, hospitalizations, and deaths related to COVID-19  
2 patients be verified and confirmed to be COVID-19 positive  
3 patients, and the date of emergency visit, hospitalization, or  
4 death be recorded as the actual date of occurrence, not the date of  
5 any data adjustments being made subsequently; and be it further

6 Resolved, That we encourage the people of Michigan to continue  
7 to follow national guidelines for safe social distancing; and be it  
8 further

9 Resolved, That we reject an extension of the state of  
10 emergency and state of disaster declared by Governor Whitmer in  
11 Executive Order 2020-33 that is in effect through April 30, 2020;  
12 and be it further

13 Resolved, That copies of this resolution be transmitted to the  
14 Governor.