

SENATE RESOLUTION NO. 114

Senators Stamas, Outman, Bumstead, LaSata, Victory, Barrett, Horn, Bizon, Theis, Johnson, Runestad, VanderWall and MacGregor offered the following resolution:

1 A resolution authorizing the Senate Majority Leader to
2 commence legal action on behalf of the Senate challenging the
3 Governor's authority and actions during the COVID-19 pandemic.

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

7 Whereas, On April 1, 2020, Governor Whitmer issued Executive
8 Order 2020-33 to replace Executive Order 2020-4 and expanded the
9 initial March 10, 2020, order to include a state of disaster
10 related to the COVID-19 pandemic; and

11 Whereas, On April 7, 2020, the Legislature adopted Senate

1 Concurrent Resolution No. 24 of 2020 to extend the state of
2 emergency and state of disaster declared by Governor Whitmer in
3 Executive Order 2020-4 and Executive Order 2020-33 through April
4 30, 2020; and

5 Whereas, Without an additional legislative extension, Governor
6 Whitmer has a statutory obligation, pursuant to MCL 30.403, to
7 "issue an executive order or proclamation declaring" the states of
8 emergency and disaster terminated on May 1, 2020; and

9 Whereas, Any attempt by Governor Whitmer to unilaterally
10 extend the states of emergency and disaster past April 30, 2020,
11 without legislative approval would be contrary to both law and
12 Michigan's constitutional system; and

13 Whereas, Members of the Michigan Senate must defend the
14 Legislature's role as the sole lawmaking body and as a co-equal
15 branch of government in Michigan's constitutional system; now,
16 therefore, be it

17 Resolved by the Senate, That the Senate Majority Leader, in
18 his official capacity, is authorized to commence legal action on
19 behalf of the Senate, challenging the authority and actions of the
20 Governor, and the executive branch generally, taken during the
21 COVID-19 pandemic and take all necessary steps incidental thereto,
22 including, but not limited to, pursuing or defending any appeals.