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## MEMORANDUM

**TO:** Stephen K. Postema  
City Attorney  
City of Ann Arbor

**FROM:** Steven C. Liedel

**RE:** Response to Correspondence from the Police Officers Association of Michigan dated October 14, 2022 regarding Michigan Public Act 87 of 2021

**DATE:** October 20, 2021

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You have asked that I respond to the letter dated October 14, 2021 from Frank A. Guido of the Police Officers Association of Michigan to Assistant City Administrator John Fournier (the “**Letter**”). A copy of the Letter is attached as exhibit A. The Letter references my memorandum dated October 12, 2020 to you regarding purported restrictions on mandatory COVID-19 vaccine policies included in Michigan Public Act 87 of 2021 (“**PA 87**”) and the inapplicability of the purported restrictions to the City of Ann Arbor (the “**City**”) and its employees (the “**Memo**”). A copy of the Memo is attached as exhibit B.

Nothing in the Letter alters the legal analysis detailed in the Memo. The provisions of PA 87 purporting to restrict mandatory COVID-19 vaccine policies apply only to a “department, agency, board, commission, or public officer that receives funding under part 1.”<sup>1</sup> Because no department of the City, agency of the City, board of the City, or public officer of the City receives any funding under any part 1 included in PA 87, the provisions of PA 87 purporting to restrict mandatory vaccine policies do not apply to the City or its employees.

Responding to the Memo, the Letter focuses on article 5 of PA 87, which makes appropriations for the Michigan Legislature, the Executive Office of the Governor, the Michigan Department of Attorney General, the Michigan Department of State, the Michigan Department of Treasury, the

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<sup>1</sup> See, for example, 2021 PA 87, art 5, pt 2, § 225 (text attached as exhibit C).

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Michigan Department of Technology, Management, and Budget, the Department of Civil Rights, the Department of Labor and Economic Opportunity, and certain state purposes related to those state entities.<sup>2</sup> The Letter includes several unsupported assertions relating to the appropriations to state entities that are inconsistent with Michigan law applicable to appropriations.

### ***Provision of Revenue Sharing and the Revenue Sharing Act***

The Letter first asserts that:

*The legal opinion the City has relied on barely scratches the surface of language in PA 87 of 2021, omitting critical language describing in detail the funding which flows to a city from the Department of Treasury pursuant to Constitutional Revenue Sharing and other City, Village, and Township Revenue Sharing (CTVRS). PA 87 of 2021, Article 5, General Government (Parts 1 and 2), establish the appropriation for local government revenue sharing. The legislature appropriated to the Department of Treasury to fund local government through revenue sharing the amount of \$266,245,100 for CVTRS and \$912,040,500 for Constitutional state general revenue sharing grants (see exhibit 1, attached hereto).*

*Section 201 (1) of Article 5 expressly states, “...state spending from state sources **to be paid to local government**... The itemized statement below identifies appropriations from which **spending to local units will occur**.” (see exhibit 2, attached hereto). The City’s legal opinion fails to recognize to or disclose that critical information by incorrectly asserting that PA 87 does not provide funding. One need not be a Rhodes Scholar to comprehend that PA 87 expressly establishes appropriations and funding for local units of government.*

The first assertion included in the Letter—that critical language was omitted—is incorrect. The language related to revenue sharing relied upon as critical in the Letter actually is not relevant in determining whether the purported restrictions on mandatory COVID-19 vaccine policies included in section 225 of part 2 of article 5 of PA 87 (“**Section 225**”) applies to the City or its employees because Section 225 only applies to funding received under part 1 of article 5 of PA 87: “Any department, agency, board, commission, or public officer that receives funding under **part 1** shall not:...”<sup>3</sup>

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<sup>2</sup> 2021 PA 87, art 5, pt 1, § 101.

<sup>3</sup> 2021 PA 87, art 5, pt 2, § 225(1) (emphasis added; see exhibit C for full text of section 225).

The language relied upon in the Letter to incorrectly conclude that a City department, agency, board, commission, or public officer of the City receives funding under PA 87, including the citation of section 201 of part 2 of article 5 of PA 87 is included in part 2 of article 5 of PA 87 (“**Part 2**”), not part 1 of article 5 of PA 87 (“**Part 1**”), as required under Section 225. Even if language in Part 2 did provide funding to a department of the City, agency of the City, board of the City, commission of the City, or public officer of the City (it does not), Section 225 relating to restrictions on mandatory COVID-19 vaccine policies would not apply because Section 225 applies only to funding received under Part 1.

The reliance upon section 201 of Part 2 as providing funding also is misplaced because section 201 is not an appropriation, it does not authorize the expenditure of money by anyone. Instead, section 201 of Part 2 is a provision concerning appropriations included to document compliance with Const 1963, art 9, § 30, which provides: “The proportion of total state spending paid to all units of Local Government, taken as a group, shall not be reduced below that proportion in effect in fiscal year 1978-79.” The provision is a summary of total state spending, including spending for local purposes that may occur in the fiscal year ending September 30, 2022. The provision itself does not provide funding. In fact, subsection (3) of section 201 of Part 2 explicitly contemplates that actual payments may be less than the amounts indicated in section 201: “If payments to local units of government and state spending from state sources for fiscal year 2021-2022 are different than the amounts estimated in subsection (2)...”. The local spending referenced in section 201 are estimates. Furthermore, an appropriation is not a mandate to spend.<sup>4</sup>

While appropriations included in Part 1 do authorize the Department of Treasury to spend up to authorized amounts for revenue sharing purposes, Part 1 itself does not actually provide revenue sharing funding to a department of the City, agency of the City, board of the City, commission of the City, or public officer of the City. Revenue sharing funding is provided to the City as a municipal corporation (not to a department, agency, board, commission, or public officer of the City) under the Glenn Steil State Revenue Sharing Act of 1971<sup>5</sup> (the “**Revenue Sharing Act**”). The Revenue Sharing Act, not Part 1, provides for the payment by the Department of Treasury of funding to cities, villages, townships, and counties in specified amounts. While the City will receive revenue sharing funding from the state treasury in the fiscal year ending September 30, 2022, that funding is provided to the City under the Revenue Sharing Act, not to a department of the City, agency of the City, board of the City, commission of the City, or public officer of the City

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<sup>4</sup> Const 1963, art 5, § 20.

<sup>5</sup> 1971 PA 140, as amended, MCL 141.901 to 141.921.

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under Part 1. As a result, the purported restrictions on mandatory COVID-19 vaccination policies included in Section 225 do not apply given the plain language of Section 225.

Had the Michigan Legislature wanted to impose restrictions on the expenditure of revenue sharing funds received by the City, it could have done so by amending the Revenue Sharing Act. It did not. Furthermore, altering the operation of the Revenue Sharing Act would have required enactment of legislation amending the Revenue Sharing Act. Under Michigan's Constitution, no law may be revised, altered, or amended by reference to its title only and the entire section or sections of the act altered or amended must be re-enacted and published at length.<sup>6</sup> While the Michigan Legislature may attach conditions to an appropriation in an appropriations bill, it may attach only those conditions within the power of the Legislature to lawfully impose.<sup>7</sup>

The letter references the flow of revenue sharing to cities, but that flow does not occur under PA 87. Instead, Part 1 makes appropriations for revenue sharing only to the Michigan Department of Treasury, which is authorized to expend up to specified amounts for revenue sharing. An appropriation is merely the "legislative authorization for expenditure or obligation of money from a state operating fund."<sup>8</sup> Because PA 87 is an appropriations act authorizing appropriations for state entities, the act does not provide funding to and cannot alter the provision of funding to cities, villages, townships, and counties under the Revenue Sharing Act. That would require enactment of a separate law amending the Revenue Sharing Act.<sup>9</sup> No such law has been enacted.

The language enacted by the Legislature in Section 225 is clear. Speculation regarding legislative intent is therefore not relevant. When interpreting the text of a statute one must begin with the plain language of the statute and the best indicators of the Legislature's intent is the words used by the Legislature.<sup>10</sup> When the plain and ordinary meaning of statutory language is clear, further construction is neither necessary nor permitted.<sup>11</sup>

The plain language of Section 225 on its face applies only to a department, agency, board, commission, or public officer that receives funding under Part 1. No department, agency, board, commission, or a public officer of the City receives funding under Part 1. Part 1 only authorizes the Department of Treasury to expend state money up to specified amounts for revenue sharing purposes. Actual revenue sharing is provided to the City (not a department, agency, board, or public

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<sup>6</sup> Const 1963 art 4, § 25.

<sup>7</sup> *State Bd of Agriculture v Auditor General*, 226 Mich 417, 425; 197 NW 160 (1924).

<sup>8</sup> MCL 18.112(1)

<sup>9</sup> See, 1977-1978, OAG, No 5,175 (March 11, 1977).

<sup>10</sup> *Jespersion v Auto Club Ins Ass'n*, 499 Mich 29, 34 (2016).

<sup>11</sup> *Pace v Edel-Harrelson*, 499 Mich 1, 7 (2016).

officer of the City) under the Revenue Sharing Act. Because the City is not provided funding under Part 1, Section 225 does not apply to the City or its employees.

***Section 950 of Part 2 of Article 5 of PA 87 Not Relevant to Applicability of Section 225***

The Letter next asserts:

*Section 950 of Article 5 is entitled “Revenue Sharing,” and contains additional express language describing the funding transmitted by the Department of Treasury, which includes “Local Unit Code 81-2010” which is the designation for the City of Ann Arbor as an eligible city to receive revenue sharing (see exhibit 4, attached hereto). The relevant language in Section 950 states:*

*Sec. 950. The funds appropriated in part 1 for constitutional revenue sharing **shall be distributed by the department of treasury to cities...** (emphasis added) (see exhibit 5, attached hereto).*

The Letter’s reliance upon section 950 of Part 2 as providing funding is misplaced and not relevant to determining whether the purported restrictions on mandatory COVID-19 vaccine policies included in Section 225 are applicable because Section 225 only applies to funding received under Part 1. Section 950 is included in Part 2 not Part 1. Even if language in section 950 of Part 2 did provide funding to a department of the City, agency of the City, board of the City, a commission of the City, or public officer of the City (it does not), the purported restrictions included in Section 225 on mandatory COVID-19 vaccine policies would not apply because Section 225 applies only to funding provided under Part 1.

The Letter also erroneously relies upon a designation by the Department of Treasury under the Revenue Sharing Act that the City was eligible to receive funding under the Revenue Sharing Act for the state fiscal year ending September 30, 2020. That designation is irrelevant because Section 225 only applies to money appropriated for the state fiscal year ending September 30, 2022. The State of Michigan has a constitutional obligation to make annual revenue sharing payments to the City under Const 1963, art 9, § 10. The appropriations for the Department of Treasury included in Part 1 authorize the Department of Treasury to spend money to satisfy that constitutional obligation under the Revenue Sharing Act for the state fiscal year ending September 30, 2022, but the constitutionally-mandated funding actually is provided to the City under the Revenue Sharing Act, not Part 1. Similarly, the Department of Treasury is statutorily obligated to make statutory revenue sharing payments to the City under the Revenue Sharing Act. The appropriations for the Department of Treasury included in Part 1 authorize the Department of Treasury to spend money

to satisfy that statutory obligation under the Revenue Sharing Act for the state fiscal year ending September 30, 2022, but the statutorily-mandated revenue sharing funding is provided to the City under the Revenue Sharing Act, not Part 1.

The Letter additionally improperly relies upon a state form to argue that funding is provided to a department of the City, an agency of the City, a board of the City, a commission of the City, or a public officer of the City under Part 1. The fact that a form is required is further supports the fact that funding is not provided under Part 1. If the funding were actually provided under Part 1, no form or further action would be necessary. Instead revenue sharing is provided to the City pursuant to the Revenue Sharing Act, not Part 1.

Again, any state revenue sharing funding provided to the City is payable to the City as a municipal corporation (not a department, agency, board, commission, or public officer of the City) under the Revenue Sharing Act, not Part 1. Section 225 does not apply to the City or its employees.

### ***Public Officers & Ultra Vires Acts***

The Letter further asserts:

*An action by a public officer which violates the law, is deemed to be **ultra vires**. The legal doctrine of ultra vires is defined as activity not expressly or impliedly mandated or authorized by law. [citations omitted]. When a public officer engages in an ultra vires action, such as violation of the clear tenets of the law, the action is deemed null and void.*

If this argument is accepted on its face, PA 87 itself would have to be deemed null and void. In 2020, The Management and Budget Act was amended to provide:

Beginning July 1, 2021, the legislature shall pass and present general appropriation bills for the upcoming fiscal year to the governor on or before July 1.<sup>12</sup>

PA 87, when adopted as Senate Bill 82 by the Michigan Legislature, was a general appropriation bill for the upcoming state fiscal year beginning October 1, 2021. It was not passed and presented on or before July 1. Enrolled Senate Bill 82 was passed by the Michigan Senate on September 21, 2021,<sup>13</sup> passed by the Michigan House of Representatives on September 22, 2021,<sup>14</sup> and presented

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<sup>12</sup> MCL 18.1365.

<sup>13</sup> 2021 Journal of the Michigan Senate 1561.

<sup>14</sup> 2021 Journal of the House of Representatives 1791.

to the governor on September 28, 2021,<sup>15</sup> all well past the July 1 deadline imposed by MCL 18.1365. Passage and presentation of a general appropriation bill for the state fiscal year beginning on October 1, 2021 after July 1, 2021 is not permitted or legally authorized under MCL 18.1365. If the doctrine of *ultra vires* outlined in the Letter is applicable, PA 87 itself, including the purported restrictions on mandatory COVID-19 restrictions provided in Section 225, were passed in presented in clear violation of the law—an *ultra vires* act—and should be deemed null and void. If that is the case, Section 225 cannot apply to the City and its employees.

### ***Interpreting Part 1 of PA 87 as Providing Funding to City Would Violate Title-Object Clause***

Ignoring the plain text of PA 87, the Letter argues that Part 1 somehow provides funding to the City, and because of that, the restrictions included in Section 225 should apply to departments, agencies, boards, commissions, and public officers of the City. Such an approach is constitutionally problematic as it requires interpreting PA 87 in a way that violates the Title-Object Clause,<sup>16</sup> which provides:

No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

What is the object of PA 87? That question is answered by the plain text of the title of PA 87, which provides:

AN ACT to make, supplement, adjust, and consolidate appropriations for various **state departments and agencies**, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2021 and September 30, 2022; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.<sup>17</sup>

The object of the bill is to make, supplement, and consolidate appropriations for various **state** entities, to provide conditions on the appropriations to those state entities, and to provide for the expenditure of those appropriations. The provision of funding to local units of government is outside the scope of the object of the bill. Part 1 of PA 87 embraces only appropriations to state departments and agencies. Interpreting Part 1 to authorize expenditures by state entities is

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<sup>15</sup> 2021 Journal of the Michigan Senate 1608.

<sup>16</sup> Const 1963 art, 4, § 24.

<sup>17</sup> 2021 PA 87, Title. [emphasis added].



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consistent with both the expressed title and object of PA 87. Interpreting Part 1 to provide funding to non-state entities as does the Letter, is outside of the scope of the express title and object of PA 87. Therefore, PA 87 must be interpreted and applied in a manner consistent with the Title-Object Clause to provide funding only to state entities.

If Part 1 provides no funding to local governmental entities, then the provisions of Section 225 relating to COVID-19 vaccine mandates do not apply to the City or its employees.

### **CONCLUSION**

While the provisions of PA 87 purporting to restrict mandatory COVID-19 vaccine policies may apply to a department, agency, board, commission, or public officer that is provided funding under a part 1 of PA 87, no department, agency, board, commission, or public officer of the City is provided funding under a part 1 of PA 87. Money is only appropriated to state entities under PA 87. Therefore, the restrictive provisions included in PA 87 relating to COVID-19 do not apply to the City or its employees. Nothing in the Letter alters this conclusion, which is based upon the plain language of PA 87 as enacted.

SCL





## POLICE OFFICERS ASSOCIATION OF MICHIGAN

27056 Joy Road • Redford, Michigan 48239-1949 • 313 937-9000 • FAX 313 937-9165

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October 14, 2021

Mr. John Fournier  
Assistant City Administrator  
City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104

Re: Vaccination Mandate

Mr. Fournier:

This correspondence is transmitted on behalf of the Ann Arbor Police Officers Association (AAPOA), as represented by the Police Officers Association of Michigan (POAM), in response to your email notification of October 13, 2021, asserting that the City of Ann Arbor intends to violate Michigan law by demanding employees undergo mandatory vaccination as a condition of continued employment.

You have declared that the City, in reliance on “outside legal experts,” has determined that the “plain language of the state’s appropriations bill does not pre-empt (sic) the City of Ann Arbor.” As a result, the City, by and through the action of its elected City Council representatives, is unilaterally imposing a mandatory vaccination requirement as a condition of continued employment. The referenced “outside legal experts” is apparently based on the legal opinion of attorney Steven C. Liedel, which was transmitted to the City Attorney, Stephen K. Postema, on October 12, 2021. The legal opinion is erroneous as it misconstrues legislative language and omits relevant statutory information. The City’s reliance on the legal opinion places its elected and appointed government officials in peril of personal liability for *ultra vires* action by violating Michigan law.

The legal opinion relied on by the City addresses PA 86 of 2021 and PA 87 of 2021. Only focus on PA 87 of 2021 is germane to the express duty of the City of Ann Arbor to comply with the law. The legal opinion relied upon by the City makes a fatal and unsupportable assertion that, “The act provides no funding to a department, agency, board, commission or public officer of the City. PA 87 has no legal effect upon any mandatory COVID-19 vaccine policy adopted by the City and applied to its employees.” One is left with the opinion that the City went searching for an outside opinion that would comport with the City’s narrative and targeted outcome, in order to have a “plausible” basis to claim it relied on a legal opinion, in hope of removing the specter of personal liability for its intended future *ultra vires* action.

The legal opinion the City has relied on barely scratches the surface of the language in PA 87 of 2021, omitting critical language describing in detail the funding which flows to a city from the Department of Treasury pursuant to Constitutional Revenue Sharing and other City, Village, and Township Revenue Sharing (CTVRS). PA 87 of 2021, Article 5, General Government (Parts 1 and 2), establish the appropriation and funding basis for local government revenue sharing. The legislature appropriated to the Department of Treasury to fund local government through revenue sharing the amount of \$266,245,100 for CVTRS and \$912,040,500 for Constitutional state general revenue sharing grants (see exhibit 1, attached hereto).

Section 201 (1) of Article 5 expressly states, "...state spending from state sources to be **paid to local government**...The itemized statement below identifies appropriations from which **spending to local units of government will occur**." (see exhibit 2, attached hereto). The City's legal opinion fails to recognize or disclose that critical information by incorrectly asserting that PA 87 does not provide funding. One need not be a Rhodes Scholar to comprehend that PA 87 expressly establishes appropriations and funding for local units of government.

Section 225, within Article 5 of PA 87, states in pertinent part (see exhibit 3, attached hereto) :

- (1) Any department, agency, board, commission, **or public officer that receives funding** under part 1 shall not:
  - (a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.
  - (b) Produce, develop, issue, or require a COVID-19 vaccine passport.
  - ...
  - (d) **Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine...** (emphasis supplied)
- (2) A department, agency, board, commission, **or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.** (emphasis supplied)  
...
- (4) If a department, agency, board, commission, subdivision, or official or public officer is to establish a vaccine policy due to federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:
  - (a) An individual for whom a physician certifies that a COVID-19 vaccine is or **may be detrimental to the individual's health or is not appropriate.** (emphasis supplied)

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions **or other consistently held objection** to immunization. (emphasis supplied)

(5) As used in this section, “public officer” means a person appointed by the governor or another executive department official **or an elected or appointed official of the state or a political subdivision of this state**. (emphasis supplied)

A “public officer,” as defined in Section 225 (5), includes an elected or appointed official of a political subdivision, hence, at a minimum, every county, city, township, and village public official is included in the definition. The fact that the legislation identifies a “political subdivision” is an express declaration that the prohibitions set forth in Section 225 are applicable to the elected or appointed officials of the local governmental entity. The City receives funding through revenue sharing because a public officer, be it an elected or appointed official of the political subdivision, is receiving the funding on behalf of the City. That is the plain and obvious intention of the language of PA 87. The City is disregarding the express meaning of PA 87, opting instead to rely on a sophomoric analysis which claims that PA 87 does not provide funding to “a department of a City, an agency of a City, a board of the City, a commission of the City, or a public officer of the City.” Such misguided reliance by the City is as untenable as it is transparently self-serving. The City, by flagrantly disregarding the express meaning of PA 87, is engaging in a denial of the obligation of fidelity it owes to the law.

Section 950 of Article 5 is entitled “Revenue Sharing,” and contains additional express language describing the funding transmitted by the Department of Treasury to cities, which includes “Local Unit Code 81-2010” which is the designation for the City of Ann Arbor as an eligible city to receive revenue sharing (see exhibit 4, attached hereto). The relevant language in Section 950 states:

Sec. 950. The funds appropriated in part 1 for constitutional revenue sharing **shall be distributed by the department of treasury to cities...** (emphasis supplied) (see exhibit 5, attached hereto).

In fact, Department of Treasury Form 4886, which the City must complete to be eligible to receive revenue sharing, specifically identifies PA 87 as the basis for such funding. (see exhibit 6, attached hereto). Likewise, The House Fiscal Agency analysis of Senate Bill 82, which is now Enrolled PA 87 of 2021, describes the legislative language as the funding source for revenue sharing received by a city. (see exhibit 7, attached hereto).

An action by a public officer which violates **the law, is deemed to be *ultra vires***. The legal doctrine of *ultra vires* is defined as activity not **expressly or impliedly** mandated or authorized by law. *Ross v Consumers Power Co*, 420 Mich 567; 363 NW2d 641 (1984); *Richardson v Jackson County*, 432 Mich 377; 443 NW2d 105 (1989). When a public officer engages in an *ultra vires*

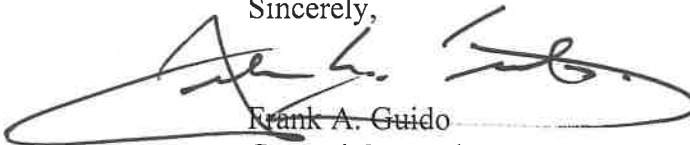
action, such as violation of the clear tenets of the law, the action is deemed null and void. In addition, there is a substantial body of case law which recognizes that *ultra vires* action by a public officer removes the protection of governmental immunity and subjects the public officer to tort liability.

Public officers, as defined in Section 225, include a county executive, board of commissioner, sheriff, mayor, city council member, city manager, police chief, human resources director, and corresponding positions within townships and villages. All of those elected or appointed individuals lose the cloak of governmental immunity if they attempt to enforce illegal mandatory vaccination requirements as a condition of continued employment. This is especially the case because the conduct of knowingly violating the law does not raise question as to the public officer acting within the scope of authority. There is no "authority" to violate the express provisions of the law. It is an objective inquiry that does not include analysis of the actor's subjective state of mind. *Petipren v Jaskowski*, 494 Mich 190 (2013). Any transparent attempt to rely on a blatantly incorrect legal opinion, especially where the City and its elected and appointed officials have been provided notice cautioning against committing a violation of law, will most certainly remove the cloak of governmental immunity for the consequences of violating the protections afforded by law to public employees.

The City should reconsider its intent to pursue a dangerous course of action, and engage in a meaningful and complete understanding of the application of PA 87, and the commensurate obligations the law of the State place upon the City of Ann Arbor elected and appointed officials. At this juncture we caution the City that it will be proceeding at the risk of personal liability for its elected and appointed officials in the event the City continues to pursue an illegal path.

On behalf of the AAPOA/POAM membership, any action by the City which harms members will be met with the appropriate administrative and contractual action in defense of our members, as well as litigation against the offending elected and appointed officials.

Sincerely,



Frank A. Guido  
General Counsel

cc: James Tignanelli, Business Agent  
Ken Grabowski, Business Agent  
Sean Stewart, Local President  
Stephen K. Postema, City Attorney

**STATE OF MICHIGAN  
101ST LEGISLATURE  
REGULAR SESSION OF 2021**

Introduced by Senator Victory

## ENROLLED SENATE BILL No. 82

AN ACT to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2021 and September 30, 2022; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

ARTICLE 1

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of agriculture and rural development for the fiscal year ending September 30, 2022, from the following funds:

<b>DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT</b>			
<b>APPROPRIATION SUMMARY</b>			
Full-time equated unclassified positions	6.0		
Full-time equated classified positions	521.0		
<b>GROSS APPROPRIATION</b>		<b>\$</b>	<b>155,560,300</b>
Total interdepartmental grants and intradepartmental transfers			320,000
<b>ADJUSTED GROSS APPROPRIATIONS</b>		<b>\$</b>	<b>155,240,300</b>
Federal revenues:			
Total federal revenues			13,599,800
Special revenue funds:			
Total local revenues			0
Total private revenues			71,300
Total other state restricted revenues			44,202,300
<b>State general fund/general purpose</b>		<b>\$</b>	<b>97,366,900</b>

Ex 1

Sec. 1018. (1) The funds appropriated in part 1 for drinking water emergency assistance may be expended by the department for activities to address drinking water systems contamination response and remediation. Eligible activities include, but are not limited to:

- (a) Replacement of lead service lines.
- (b) Alternate drinking water connections.
- (c) Testing and public awareness and outreach.
- (d) Technical assistance and planning activities.

(2) The unexpended funds appropriated in part 1 for drinking water emergency assistance are designated as a work project appropriation, and any unencumbered or unallotted funds shall not lapse at the end of the fiscal year and shall be available for expenditure for projects under this section until the projects have been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects is to fund drinking water systems contamination and remediation.
- (b) The total estimated cost of all projects is \$15,000,000.00.
- (c) The tentative completion date is September 30, 2026.

**ARTICLE 5**

**GENERAL GOVERNMENT**

**PART 1**

**LINE-ITEM APPROPRIATIONS**

Sec. 101. There is appropriated for the legislature, the executive, the department of the attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil rights, the department of labor and economic opportunity, and certain state purposes related thereto for the fiscal year ending September 30, 2022, from the following funds:

**TOTAL GENERAL GOVERNMENT**

**APPROPRIATION SUMMARY**

Full-time equated unclassified positions	79.5	
Full-time equated classified positions	9,934.5	
<b>GROSS APPROPRIATION</b>		<b>\$ 6,554,212,700</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		1,132,012,100
<b>ADJUSTED GROSS APPROPRIATIONS</b>		<b>\$ 5,422,200,600</b>
Federal revenues:		
Total federal revenues		1,328,785,100
Special revenue funds:		
Total local revenues		26,260,700
Total private revenues		11,907,500
Total other state restricted revenues		2,500,094,600
<b>State general fund/general purpose</b>		<b>\$ 1,555,152,700</b>

**Sec. 102. DEPARTMENT OF ATTORNEY GENERAL**

**(1) APPROPRIATION SUMMARY**

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	541.4	
<b>GROSS APPROPRIATION</b>		<b>\$ 108,398,800</b>
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		35,083,600
<b>ADJUSTED GROSS APPROPRIATIONS</b>		<b>73,315,200</b>

For Fiscal Year  
Ending Sept. 30,  
2022

Federal revenues:			
DED-OPSE, federal lenders allowance		\$	486,600
DED-OPSE, higher education act of 1995 insured loans			527,700
Special revenue funds:			
Delinquent tax collection revenue			35,249,400
Escheats revenue			5,000,900
Garnishment fees			2,762,600
Justice system fund			450,200
Marihuana regulation fund			1,291,800
Marihuana regulatory fund			193,900
MFA, bond and loan program revenue			649,700
State lottery fund			309,500
State restricted indirect funds			288,900
State services fee fund			352,300
Treasury fees			47,200
<b>State general fund/general purpose</b>		<b>\$</b>	<b>12,453,700</b>
<b>(3) LOCAL GOVERNMENT PROGRAMS</b>			
Full-time equated classified positions	106.0		
Local finance—FTEs	18.0	\$	2,473,000
Michigan infrastructure council—FTEs	3.0		3,845,900
Property tax assessor training—FTE	1.0		1,047,500
Supervision of the general property tax law—FTEs	84.0		17,764,300
<b>GROSS APPROPRIATION</b>		<b>\$</b>	<b>25,130,700</b>
Appropriated from:			
Interdepartmental grant revenues:			
IDG from MDOT, Michigan transportation fund			249,100
Special revenue funds:			
Local - assessor training fees			1,047,500
Local - audit charges			602,800
Local - equalization study chargeback			40,000
Local - revenue from local government			100,000
Delinquent tax collection revenue			1,560,500
Land reutilization fund			2,059,300
Municipal finance fees			566,300
<b>State general fund/general purpose</b>		<b>\$</b>	<b>18,905,200</b>
<b>(4) TAX PROGRAMS</b>			
Full-time equated classified positions	753.0		
Bottle act implementation		\$	250,000
Home heating assistance			3,099,200
Insurance provider assessment program—FTEs	13.0		2,181,700
Office of revenue and tax analysis—FTEs	21.0		3,964,600
Tax and economic policy—FTEs	43.0		9,022,900
Tax compliance—FTEs	318.0		45,216,400
Tax processing—FTEs	347.0		42,267,800
Tobacco tax enforcement—FTEs	11.0		1,542,100
<b>GROSS APPROPRIATION</b>		<b>\$</b>	<b>107,544,700</b>
Appropriated from:			
Interdepartmental grant revenues:			
IDG from MDOT, Michigan transportation fund			2,355,500
IDG from MDOT, State aeronautics fund			72,200
Federal revenues:			
HHS-SSA, low-income energy assistance			3,099,200

For Fiscal Year  
Ending Sept. 30,  
2022

Special revenue funds:		
Bottle deposit fund		\$ 250,000
Brownfield development fund		213,500
Delinquent tax collection revenue		73,550,300
Insurance provider fund		2,181,700
Marihuana regulation fund		2,331,100
Marihuana regulatory fund		119,300
Tobacco tax revenue		4,196,900
Michigan state waterways fund		107,100
<b>State general fund/general purpose</b>		<b>\$ 19,067,900</b>
<b>(5) FINANCIAL PROGRAMS</b>		
Full-time equated classified positions	167.0	
Dual enrollment payments		\$ 3,000,000
Investments—FTEs	81.0	21,836,100
John R. Justice grant program		288,100
State and authority finance—FTEs	19.0	4,533,200
Student financial assistance programs—FTEs	67.0	25,166,500
<b>GROSS APPROPRIATION</b>		<b>\$ 54,823,900</b>
Appropriated from:		
Interdepartmental grant revenues:		
IDG, fiscal agent service fees		212,900
Federal revenues:		
DED-OPSE, federal lenders allowance		3,342,200
DED-OPSE, higher education act of 1995 insured loans		19,003,300
John R. Justice grant		288,100
Special revenue funds:		
Defined contribution administrative fee revenue		300,000
MFA, bond and loan program revenue		2,797,900
Michigan merit award trust fund		1,216,300
Retirement funds		18,483,700
School bond fees		897,500
Treasury fees		3,275,400
<b>State general fund/general purpose</b>		<b>\$ 5,006,600</b>
<b>(6) DEBT SERVICE</b>		
Clean Michigan initiative		\$ 23,771,000
Great Lakes water quality bond		71,983,000
Quality of life bond		3,310,000
<b>GROSS APPROPRIATION</b>		<b>\$ 99,064,000</b>
Appropriated from:		
<b>State general fund/general purpose</b>		<b>\$ 99,064,000</b>
<b>(7) GRANTS</b>		
Convention facility development distribution		\$ 107,887,900
Emergency 911 payments		48,800,000
Health and safety fund grants		1,500,000
Recreational marihuana grants		30,000,000
Senior citizen cooperative housing tax exemption program		11,271,400
Wrongful imprisonment compensation fund		10,000,000
<b>GROSS APPROPRIATION</b>		<b>\$ 209,459,300</b>
Appropriated from:		
Special revenue funds:		
Convention facility development fund		107,887,900
Emergency 911 fund		48,800,000
Health and safety fund		1,500,000



For Fiscal Year  
Ending Sept. 30,  
2022

Marihuana regulation fund		\$	30,000,000
<b>State general fund/general purpose</b>		\$	<b>21,271,400</b>
<b>(8) BUREAU OF STATE LOTTERY</b>			
Full-time equated classified positions	200.0		
Lottery information technology services and projects		\$	5,376,400
Lottery operations—FTEs	200.0		28,291,500
<b>GROSS APPROPRIATION</b>		\$	<b>33,667,900</b>
Appropriated from:			
Special revenue funds:			
State lottery fund			33,667,900
<b>State general fund/general purpose</b>		\$	<b>0</b>
<b>(9) MICHIGAN GAMING CONTROL BOARD</b>			
Full-time equated classified positions	181.0		
Casino gaming control operations—FTEs	151.0	\$	29,826,700
Gaming information technology services and projects			3,480,200
Horse racing—FTEs	10.0		2,095,200
Michigan gaming control board			50,000
Millionaire party regulation—FTEs	20.0		3,109,700
<b>GROSS APPROPRIATION</b>		\$	<b>38,561,800</b>
Appropriated from:			
Special revenue funds:			
Casino gambling agreements			996,800
Equine development fund			2,213,400
Fantasy contest fund			498,400
Internet gaming fund			2,568,400
Internet sports betting fund			2,368,600
Laboratory fees			410,600
State lottery fund			3,109,700
State services fee fund			26,395,900
<b>State general fund/general purpose</b>		\$	<b>0</b>
<b>(10) PAYMENTS IN LIEU OF TAXES</b>			
Commercial forest reserve		\$	3,368,100
Purchased lands			9,971,100
Swamp and tax reverted lands			16,836,200
<b>GROSS APPROPRIATION</b>		\$	<b>30,175,400</b>
Appropriated from:			
Special revenue funds:			
Private funds			31,000
Game and fish protection fund			3,378,900
Michigan natural resources trust fund			2,540,800
Michigan state waterways fund			293,100
<b>State general fund/general purpose</b>		\$	<b>23,931,600</b>
<b>(11) REVENUE SHARING</b>			
City, village, and township revenue sharing		\$	266,245,100
Constitutional state general revenue sharing grants			912,040,500
County incentive program			43,418,800
County revenue sharing			188,097,900
Financially distressed cities, villages, or townships			2,500,000
<b>GROSS APPROPRIATION</b>		\$	<b>1,412,302,300</b>
Appropriated from:			
Special revenue funds:			
Sales tax			1,412,302,300
<b>State general fund/general purpose</b>		\$	<b>0</b>

		For Fiscal Year Ending Sept. 30, 2022
Land bank fast track fund	\$	3,336,600
<b>State general fund/general purpose</b>	<b>\$</b>	<b>0</b>
<b>(12) ONE-TIME APPROPRIATIONS</b>		
Legacy program - futures for frontliners		25,000,000
Reconnect and futures for frontliners wraparound services		6,000,000
Child care facilitator pilot project		2,500,000
Child savings accounts		2,000,000
Poverty task force - research and planning		1,000,000
Focus: HOPE		1,000,000
Statewide pre-apprenticeship program		8,000,000
Training center equipment grants		3,000,000
Rural jobs and capital investment		5,000,000
Michigan career and technical institute		23,750,000
Reentry employment support		660,000
Construction career center grant		1,000,000
College degree enhancement grant		1,800,000
Michigan infrastructure grants		48,020,200
ARP - Community revitalization and placemaking grants program		100,000,000
Michigan enhancement grants		146,892,000
<b>GROSS APPROPRIATION</b>	<b>\$</b>	<b>375,622,200</b>
Appropriated from:		
Federal revenues:		
Coronavirus state fiscal recovery fund		100,000,000
Federal revenues		18,750,000
Special revenue funds:		
Talent investment fund		25,000,000
<b>State general fund/general purpose</b>	<b>\$</b>	<b>231,872,200</b>

## PART 2

### PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 2021-2022

#### GENERAL SECTIONS

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for fiscal year 2021-2022 is \$4,055,247,300.00 and state spending from state sources to be paid to local units of government for fiscal year 2021-2022 is \$1,722,658,300.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

<b>DEPARTMENT OF STATE</b>		
Fees to local units	\$	35,000
Motorcycle safety grants		1,308,800
Subtotal	\$	1,343,800
<b>DEPARTMENT OF TREASURY</b>		
Airport parking distribution pursuant to section 909	\$	27,000,000
City, village, and township revenue sharing		266,245,100
Constitutional state general revenue sharing grants		912,040,500
Convention facility development fund distribution		107,887,900
Coronavirus relief local government grants		433,000
County incentive program		43,418,800

	For Fiscal Year Ending Sept. 30, 2022
County revenue sharing payments	\$ 188,097,900
Emergency 9-1-1 payments	48,800,000
Financially distressed cities, villages, or townships	2,500,000
Health and safety fund grants	1,500,000
Recreational marihuana grants	30,000,000
Payments in lieu of taxes	30,175,400
Senior citizen cooperative housing tax exemption	11,271,400
Subtotal	\$ 1,669,370,000
<b>DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY</b>	
Going pro	\$ 40,000,000
Workforce development programs	10,680,000
Michigan rehabilitation services	262,200
Michigan community service commission	2,300
Arts and cultural program	1,000,000
Subtotal	\$ 51,944,500
<b>TOTAL</b>	<b>\$ 1,722,658,300</b>

(2) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 2021-2022 is estimated at \$37,241,760,600.00 in the 2021-2022 appropriations acts and total state spending from state sources paid to local units of government for fiscal year 2021-2022 is estimated at \$21,931,695,600.00. The state-local proportion is estimated at 58.9% of total state spending from state sources.

(3) If payments to local units of government and state spending from state sources for fiscal year 2021-2022 are different than the amounts estimated in subsection (2), the state budget director shall report the payments to local units of government and state spending from state sources that were made for fiscal year 2021-2022 to the senate and house of representatives standing committees on appropriations within 30 days after the final book-closing for fiscal year 2021-2022.

Sec. 202. The appropriations authorized under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this part and part 1:

- (a) "ATM" means automated teller machine.
- (b) "COBRA" means the consolidated omnibus budget reconciliation act of 1985, Public Law 99-272, 100 Stat 82.
- (c) "DAG" means the United States Department of Agriculture.
- (d) "DED" means the United States Department of Education.
- (e) "DED-OESE" means the DED Office of Elementary and Secondary Education.
- (f) "DED-OPSE" means the DED Office of Postsecondary Education.
- (g) "DED-OVAE" means the DED Office of Vocational and Adult Education.
- (h) "DOE-OEERE" means the United States Department of Energy, Office of Energy Efficiency and Renewable Energy.
- (i) "DOL" means the United States Department of Labor.
- (j) "DOL-ETA" means the United States Department of Labor, Employment and Training Administration.
- (k) "EEOC" means the United States Equal Employment Opportunity Commission.
- (l) "FTE" means full-time equated.
- (m) "Fund" means the Michigan strategic fund.
- (n) "GEAR-UP" means gaining early awareness and readiness for undergraduate programs.
- (o) "GED" means a general educational development certificate.
- (p) "GF/GP" means general fund/general purpose.
- (q) "HHS" means the United States Department of Health and Human Services.
- (r) "HHS-OS" means the HHS Office of the Secretary.
- (s) "HHS-SSA" means the HHS Social Security Administration.
- (t) "HUD" means the United States Department of Housing and Urban Development.
- (u) "HUD-CPD" means the United States Department of Housing and Urban Development - Community Planning and Development.
- (v) "IDG" means interdepartmental grant.

(2) As used in this section, "severance pay" means compensation that is both payable or paid upon the termination of employment and in addition to either wages or benefits earned during the course of employment or generally applicable retirement benefits.

Sec. 224. Funds appropriated in part 1 shall not be used by this state, a department, an agency, or an authority of this state to purchase an ownership interest in a casino enterprise or a gambling operation as those terms are defined in the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.201 to 432.226.

✓ Sec. 225. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

✓ (5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

Sec. 229. (1) If the office of the auditor general has identified an initiative or made a recommendation that is related to savings and efficiencies in an audit report for an executive branch department or agency, the department or agency shall report within 6 months of the release of the audit on their efforts and progress made toward achieving the savings and efficiencies identified in the audit report. The report shall be submitted to the chairs of the senate and house of representatives standing committees on appropriations, the chairs of the senate and house of representatives standing committees with jurisdiction over matters relating to the department that is audited, and the senate and house fiscal agencies.

(2) If the office of the auditor general does not receive the required report regarding initiatives related to savings and efficiencies within the 6-month time frame, the office of the auditor general may charge noncompliant executive branch departments and agencies for the cost of performing a subsequent audit to ensure that the initiatives related to savings and efficiencies have been implemented.

Sec. 235. By April 1, the state budget director shall submit a report to the senate and house appropriations committees, the chairpersons of the relevant appropriations subcommittees, and the senate and house fiscal agencies. The report shall recommend a contingency plan for each federal funding source included in the state budget of \$10,000,000.00 or more in the event that the federal government reduces funding to the state through that source by 10% or greater.

Sec. 240. (1) Concurrently with the submission of the fiscal year 2022-2023 executive budget recommendations, the state budget office shall provide the senate and house appropriations committees, the chairpersons of the relevant appropriations subcommittees, the senate and house fiscal agencies, and the policy offices a report that lists each new program or program enhancement for which funds in excess of \$500,000.00 are appropriated in part 1 of each departmental appropriation act.

(2) By July 1 of the current fiscal year, the state budget director and the chairs of the senate and house appropriations committees shall identify new programs or program enhancements identified under subsection (1) for measurement using program-specific metrics, in addition to the metrics required under section 447 of the management and budget act, 1984 PA 431, MCL 18.1447.

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**City, Village, and Township Revenue Sharing  
Eligible Cities, Villages, and Townships  
Fiscal Year 2020**

<b>Local Unit Code</b>	<b>Eligible Local Unit Name</b>	<b>Unit Type</b>	<b>County</b>
41-1010	Ada	Township	Kent
46-3010	Addison	Village	Lenawee
46-2010	Adrian	City	Lenawee
42-3010	Ahmeek	Village	Keweenaw
79-3010	Akron	Village	Tuscola
24-3010	Alanson	Village	Emmet
13-2010	Albion	City	Calhoun
41-1020	Algoma	Township	Kent
74-2010	Algonac	City	Saint Clair
03-2010	Allegan	City	Allegan
82-2010	Allen Park	City	Wayne
70-1010	Allendale	Township	Ottawa
29-2010	Alma	City	Gratiot
44-3010	Almont	Village	Lapeer
04-2010	Alpena	City	Alpena
04-1010	Alpena	Township	Alpena
36-3010	Alpha	Village	Iron
41-1030	Alpine	Township	Kent
✓ 81-2010	Ann Arbor	City	Washtenaw
80-1020	Antwerp	Township	Van Buren
76-3010	Applegate	Village	Sanilac
50-3010	Armada	Village	Macomb
29-3010	Ashley	Village	Gratiot
13-3010	Athens	Village	Calhoun
06-2010	Au Gres	City	Arenac
09-2010	Auburn	City	Bay
63-2005	Auburn Hills	City	Oakland
39-3010	Augusta	Village	Kalamazoo
32-2010	Bad Axe	City	Huron
43-3010	Baldwin	Village	Lake
78-3010	Bancroft	Village	Shiawassee
80-2010	Bangor	City	Van Buren
09-1010	Bangor	Township	Bay
80-1040	Bangor	Township	Van Buren
07-3010	Baraga	Village	Baraga
11-3010	Baroda	Village	Berrien
54-3010	Barryton	Village	Mecosta
19-1010	Bath	Township	Clinton
13-2020	Battle Creek	City	Calhoun
09-2020	Bay City	City	Bay

(6) Funds appropriated in part 1 for transportation administration support fund must be deposited in the transportation administration support fund created under this section.

Sec. 949m. From the funds appropriated in part 1, The Michigan Infrastructure Council will plan, conduct, and contract for asset management improvement activities including, but not limited to, infrastructure data collection activities, asset manager training, development of a 30-year asset management plan for Michigan, assistance in asset management improvement projects including maintaining an asset management portal, and other projects that promote improved asset management for infrastructure in Michigan.

Sec. 949n. The funds appropriated in part 1 for the NextGen infrastructure shall be deposited into the emergency 9-1-1 fund created in section 407 of the emergency 9-1-1 service enabling act, 1986 PA 32, MCL 484.1407.

Sec. 949o. (1) The funds appropriated in part 1 for local first responder recruitment and training grants are to support local efforts to expand recruitment, improve training, and provide additional professional development and support to first responders.

(2) As used in this section:

(a) "First responder" means law enforcement officers, firefighters, emergency medical technicians (EMT), paramedics, and local unit of government corrections officers.

(b) "Applicant" means a city, village, township, county, or fire authority.

(3) The department shall establish an application process and award grants on a competitive basis to applicants that are determined to be most in need of first responder recruitment and training assistance. Awards to any 1 applicant shall be no more than \$100,000.00 for recruitment, and no more than \$100,000.00 for training programs. The department shall execute grant agreements with each of the applicants awarded funds that establish the terms and conditions under which the funds are granted.

#### REVENUE SHARING

✓ Sec. 950. The funds appropriated in part 1 for constitutional revenue sharing shall be distributed by the department of treasury to cities, villages, and townships, as required under section 10 of article IX of the state constitution of 1963. Revenue collected in accordance with section 10 of article IX of the state constitution of 1963 in excess of the amount appropriated in part 1 for constitutional revenue sharing is appropriated for distribution to cities, villages, and townships, on a population basis as required under section 10 of article IX of the state constitution of 1963.

Sec. 952. (1) The funds appropriated in part 1 for city, village, and township revenue sharing are for grants to cities, villages, and townships such that, subject to fulfilling the requirements under subsection (3), each city, village, or township that received a payment under section 952(1) of 2020 PA 166 is eligible to receive a payment equal to 102.0% of its total eligible payment under section 952(1) of 2020 PA 166, rounded to the nearest dollar. For purposes of this subsection, any city, village, or township that completely merges with another city, village, or township will be treated as a single entity, such that when determining the eligible payment under section 952(1) of 2020 PA 166 for the combined single entity, the amount each of the merging local units was eligible to receive under section 952(1) of 2020 PA 166 is summed.

(2) The funds appropriated in part 1 for the county incentive program are to be used for grants to counties such that each county is eligible to receive an amount equal to 20% of the amount determined pursuant to the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921. The amount calculated under this subsection shall be adjusted as necessary to reflect partial county fiscal years and prorated based on the total amount appropriated for distribution to all eligible counties. Except as otherwise provided under this subsection, payments under this subsection will be distributed to an eligible county subject to the county's fulfilling the requirements under subsection (3).

(3) For purposes of accountability and transparency, each eligible city, village, township, or county shall certify by December 1, or the first day of a payment month, that it has produced a citizen's guide of its most recent local finances, including a recognition of its unfunded liabilities; a performance dashboard; a debt service report containing a detailed listing of its debt service requirements, including, at a minimum, the issuance date, issuance amount, type of debt instrument, a listing of all revenues pledged to finance debt service by debt instrument, and a listing of the annual payment amounts until maturity; and a projected budget report, including, at a minimum, the current fiscal year and a projection for the immediately following fiscal year. The projected budget report shall include revenues and expenditures and an explanation of the assumptions used for the projections. Each eligible city, village, township, or county shall include in any mailing of general information to its citizens the internet website address location for its citizen's guide, performance dashboard, debt service report, and projected budget report or the physical location where these documents are available for public viewing in the city, village,

# City, Village, and Township Revenue Sharing and County Incentive Program Certification

Issued under authority of 2021 Public Act 87. Filing is mandatory to qualify for payments.

Each city/village/township/county applying for City, Village, and Township Revenue Sharing or County Incentive Program payments must:

1. Certify to the Michigan Department of Treasury (Treasury) that the local unit listed below has produced and made available to the public a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report as required by 2021 Public Act 87. The local unit must include in any mailing of general information to its citizens, the Internet website address or the physical location where all the documents are available for public viewing in the clerk's office.
2. Submit to Treasury a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report.

This certification, along with a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report, **must be received by December 1, 2021**, (or the first day of a payment month) in order to qualify for that month's payment. Postmark dates will not be considered. For questions, call 517-335-7484.

PART 1: LOCAL UNIT INFORMATION			
Local Unit Name		Local Unit County Name	
Local Unit Code		Contact E-Mail Address	
Contact Name	Contact Title	Contact Telephone Number	Extension
Website Address, if reports are available online		Current Fiscal Year End Date	
PART 2: CITIZEN'S GUIDE			
Check any of the following that apply:			
<input type="checkbox"/> The local unit has elected to use Treasury's online Citizen's Guide to comply with the legislative requirements. Therefore, a copy of the Citizen's Guide will not be submitted to Treasury.			
<input type="checkbox"/> The local unit does not have any unfunded liabilities (pensions or other postemployment benefits (OPEB)).			
PART 3: CERTIFICATION			
<i>In accordance with 2021 Public Act 87, the undersigned hereby certifies to Treasury that the above mentioned local unit 1) has produced a Citizen's Guide, a Performance Dashboard, a Debt Service Report, and a Projected Budget Report and 2) will include in any mailing of general information to our citizens, the Internet website address or the physical location where all the documents are available for public viewing in the clerk's office. The Citizen's Guide, Performance Dashboard, Debt Service Report, and Projected Budget Report are attached to this signed certification, unless otherwise noted in Part 2.</i>			
Chief Administrative Officer Signature (as defined in MCL 141.422b)		Printed Name of Chief Administrative Officer (as defined in MCL 141.422b)	
Title		Date	

Completed and signed form (including required attachments) should be e-mailed to: [TreasRevenueSharing@michigan.gov](mailto:TreasRevenueSharing@michigan.gov). If you are unable to submit via e-mail, fax to 517-335-3298 or mail the completed form and required attachments to:

Michigan Department of Treasury  
Revenue Sharing and Grants Division  
PO Box 30722  
Lansing MI 48909

TREASURY USE ONLY		
CVTRS/CIP Eligible Y N	Certification Received	Citizen's Guide Received
Performance Dashboard Received	Debt Service Report Received	Projected Budget Report Received
Final Certification	CVTRS/CIP Notes	

Ex 6

**FY 2021-22: DEPARTMENT OF TREASURY**  
**Summary: As Passed by the Senate**  
**Senate Bill 82 (S-3)**



Analyst: Ben Gielczyk

	FY 2020-21 YTD as of 2/11/21	FY 2021-22 Executive	FY 2021-22 House*	FY 2021-22 Senate	FY 2021-22 Conference	Difference: Senate From FY 2020-21 YTD	
						Amount	%
IDG/IDT	\$13,112,800	\$13,073,500	\$3,268,400	\$13,073,500		(\$39,200)	(0.3)
Federal	27,421,800	27,361,400	6,840,400	27,359,400		(62,400)	(0.2)
Local	13,059,500	13,032,000	3,258,100	13,032,000		(27,500)	(0.2)
Private	28,900	31,000	31,000	31,000		2,100	7.3
Restricted	1,789,352,600	1,815,287,700	1,596,041,200	1,815,709,900		26,357,300	1.5
GF/GP	371,167,200	222,978,200	165,082,100	259,358,200		(111,809,000)	(30.1)
<b>Gross</b>	<b>\$2,214,142,800</b>	<b>\$2,091,763,800</b>	<b>\$1,774,521,200</b>	<b>\$2,128,564,000</b>		<b>(\$85,578,800)</b>	<b>(3.9)</b>
FTEs	1,934.5	1,934.5	1,930.5	1,934.5		0.0	0.0

Notes: (1) FY 2020-21 year-to-date figures include mid-year budget adjustments through February 11, 2021. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."  
 \*The majority of the appropriations in the House Subcommittee Recommendation provided the equivalent of one-quarter of the annual appropriation.

**Overview**

The Department of Treasury is the chief fiscal agency of the state and the primary source of advice to the governor on tax and fiscal policy issues. The department's mission is to collect state taxes; to invest, control, and disburse state monies; and to protect the state's credit rating and that of its cities. The department manages one of the nation's largest pension funds, administers revenue sharing, and administers the student financial aid programs. It also investigates fraudulent financial activity, aids on all property tax-related issues and advises issuers of municipal obligations. The Bureau of State Lottery, the Michigan Gaming Control Board (MGCB), and State Building Authority (SBA) are autonomous agencies housed within the department.

**Major Budget Changes from FY 2020-21 YTD Appropriations**

FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 Senate Change
-----------------------------------------------	--------------------------------

Generally, the House Subcommittee Recommendation appropriates the equivalent of one quarter of the anticipated annual appropriation, except in areas such as debt service, statutorily required distributions, payments to locals, and certain grants, which incorporate the full annual appropriation. For major budget changes listed below the quartered appropriations are annualized for comparison purposes.

**1. Constitutional Revenue Sharing**

Executive, House, and Senate increase by \$15.4 million of restricted sales tax revenue relative to the FY 2020-21 budget act appropriated amount. Appropriation reflects January 2020 CREC estimate for FY 2021-22 which represents a \$24.8 million (2.8%) decrease from January 2020 CREC estimate for FY 2020-21.

<b>Gross</b>	<b>\$851,870,300</b>	<b>\$15,431,800</b>
Restricted	851,870,300	15,431,800
GF/GP	\$0	\$0

**2. City, Village, and Township (CVT) Revenue Sharing**

Executive includes \$5.2 million of restricted sales tax revenue (designated a one-time appropriation) to provide a 2.0% increase for CVT Revenue Sharing payments. A CVT would be eligible for a payment equal to 102.0% of its FY 2020-21 eligible payment. Removes requirement that a CVT allocate its net increase to its unfunded pension liabilities if they have a pension that is in unfunded status pursuant to the Protecting Local Government Retirement and Benefits Act. House includes \$2.6 million of restricted sales tax revenue (designated a one-time appropriation) to provide a 1.0% increase. Senate concurs with Executive 2% increase.

<b>Gross</b>	<b>\$261,024,600</b>	<b>\$5,220,500</b>
Restricted	261,024,600	5,220,500
GF/GP	\$0	\$0

Ex 7





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## MEMORANDUM

**TO:** Stephen K. Postema  
City Attorney  
City of Ann Arbor

**FROM:** Steven C. Liedel

**RE:** Mandatory COVID-19 Vaccination Policies Under Michigan Public Act 86 of 2021 (HB 4400) and Michigan Public Act 87 of 2021

**DATE:** October 12, 2021

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### QUESTIONS PRESENTED

1. Do the provisions relating to mandatory COVID-19 vaccine policies included in Public Act 86 of 2021<sup>1</sup> (“**PA 86**”) apply to the City of Ann Arbor (the “**City**”) or its employees?
2. Do the provisions relating to mandatory COVID-19 vaccine policies included in Public Act 87 of 2021<sup>2</sup> (“**PA 87**”) apply to the City or its employees?

### BRIEF ANSWERS

1. No. PA 86 amends an appropriations act authorizing the expenditure of money to aid in the support of community colleges and state public universities. The provisions of PA 86 relating to mandatory COVID-19 vaccine policies apply only to community colleges and state public universities, not to the City or its employees. PA 86 has no legal effect upon any mandatory COVID-19 vaccine policy adopted by the City and applied to its employees.
2. No. PA 87 is an appropriations act authorizing the expenditure of money to state departments and agencies and to the legislative and judicial branches of state government. The act provides no funding to a department, agency, board, commission, or public officer of the City. PA

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<sup>1</sup> Before final enactment, PA 86 was presented to the governor as Enrolled House Bill 4400.

<sup>2</sup> Prior final enactment, PA 87 was presented to the governor as Enrolled Senate Bill 82.

87 has no legal effect upon any mandatory COVID-19 vaccine policy adopted by the City and applied to its employees.

## FACTS

### *Public Act 86 of 2021*

PA 86 amends The State School Aid Act of 1979 (the “**School Aid Act**”), which is an act that authorizes the expenditure of money to aid in the support of schools, intermediate school districts, community colleges, and state public universities. Money is appropriated only to community colleges and state public universities by the School Aid Act amendments included in PA 86. No money is appropriated to the City.

Section 201h of PA 86 purports to require a community college that (1) receives an appropriation in section 201 of PA 86, and that (2) establishes a mandatory COVID-19 vaccine policy to provide exemptions from the policy to specified students. See exhibit A for the text of section 201h of PA 86.

Section 275i of PA 86 purports to require a public university that (1) receives an appropriation in section 236 of PA 86, and that (2) establishes a mandatory COVID-19 vaccine policy to provide exemptions from the policy to specified students. See exhibit B for the text of section 275i of PA 86.

### *Public Act 87 of 2021*

PA 87 is an act making appropriations to state departments and agencies and the legislative and judicial branches of state government for the fiscal year beginning on October 1, 2021 and ending on September 30, 2022.<sup>3</sup> PA 87 is not a state law of general applicability. Twelve sections of PA 87 relating to the state fiscal year ending on September 30, 2022 purport to impose restrictions relating to mandatory COVID-19 vaccine policies upon departments, agencies, board, commissions, and public officers receiving funding under PA 87.

Section 222 of part 2 of article 1 of PA 87 relates to appropriations to the Michigan Department of Agriculture and Rural Development, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 1 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit C for the text of section 222 of part 2 of article 1 of PA 87.

Section 224 of part 2 of article 2 of PA 87 relates to appropriations to the Michigan Department of Corrections, purporting to prohibit a department, agency, board, commission, or public officer that

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<sup>3</sup> PA 87 also makes supplemental appropriations for the state fiscal year ending on September 30, 2021.



Stephen K. Postema  
October 12, 2021  
Page 3

receives funding under part 1 of article 2 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit D for the text of section 224 of part 2 of article 2 of PA 87.

Section 227 of part 2 of article 3 of PA 87 relates to appropriations to the Michigan Department of Education, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 3 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit E for the text of section 227 of part 2 of article 3 of PA 87.

Section 222 of part 2 of article 4 of PA 87 relates to appropriations to the Michigan Department of Environment, Great Lakes, and Energy, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 4 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit F for the text of section 222 of part 2 of article 4 of PA 87.

Section 225 of part 2 of article 5 of PA 87 relates to appropriations for the legislative branch of state government, the executive office of the governor, the Department of Attorney General, the Department of State, the Department of Treasury, the Department of Technology, Management, and Budget, the Department of Civil Rights, and the Department of Labor and Economic Opportunity, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 5 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit G for the text of section 225 of part 2 of article 5 of PA 87.

Section 237 of part 2 of article 6 of PA 87 relates to appropriations for the Department of Health and Human Services, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 6 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit H for the text of section 237 of part 2 of article 6 of PA 87.

Section 222 of part 2 of article 7 of PA 87 relates to appropriations for the Department of Insurance and Financial Services, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 7 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit I for the text of section 222 of part 2 of article 7 of PA 87.

Section 222 of part 2 of article 9 of PA 87 relates to appropriations for the Department of Licensing and Regulatory Affairs, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 9 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit J for the text of section 222 of part 2 of article 9 of PA 87.

Section 228 of part 2 of article 10 of PA 87 relates to appropriations for the Department of Military and Veterans Affairs, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 10 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit K for the text of section 228 of part 2 of article 10 of PA 87.

Section 222 of part 2 of article 11 of PA 87 relates to appropriations for the Department of Natural Resources, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 11 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit L for the text of section 222 of part 2 of article 11 of PA 87.

Section 222 of part 2 of article 12 of PA 87 relates to appropriations for the Department of State Police, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 12 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit M for the text of section 222 of part 2 of article 12 of PA 87.

Section 222 of part 2 of article 13 of PA 87 relates to appropriations for the Department of Transportation, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 13 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit N for the text of section 222 of part 2 of article 13 of PA 87.

## ANALYSIS

### *Public Act 86 of 2021*

PA 86 makes appropriations to community colleges and public universities, not other types of governmental entities or political subdivisions of the State of Michigan. No money is appropriated to the City in PA 86.

The City is not a community college. Therefore, the requirements of section 201h of PA 86, which purports to require a community college to provide specified exemptions from any mandatory COVID-19 vaccine policy adopted by that community college do not apply to the City or its employees.

The City is not a public university. Therefore, the requirements of section 275i of PA 86, which purports to require a public university to provide specified exemptions from any mandatory COVID-19 vaccine policy adopted by that public university do not apply to the City or its employees.

### *Public Act 87 of 2021*

The twelve provisions of PA 87 detailed on exhibits C to N that purport to impose restrictions relating to COVID-19 vaccines only apply to a “department, agency, board, commission, or public officer”<sup>4</sup> receiving funding under part 1 of twelve separate articles of PA 87. The money

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<sup>4</sup> The term “public officer” is defined in PA 87 for purposes of that act to mean a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

appropriated under PA 87 is appropriated for state departments, state agencies, the legislative and judicial branches of state government, and the executive office of the governor. An appropriation is an authorization to expend an amount of money for a specified purpose, but not a mandate to spend.<sup>5</sup> While PA 87 may authorize state entities to expend money for authorized purposes, no provision of the act provides funding to a department of the City, an agency of the City, a board of the City a commission of the City, or a public officer of the City.

While media reports, public statements made by legislators, and correspondence from representatives of law enforcement officers may have concluded that PA 87 somehow restricts the City from adopting a mandatory COVID-19 vaccine policy, the plain language of PA 87 indicates otherwise. The plain text enacted by the Michigan Legislature in PA 87 that purports to impose restrictions relating COVID-19 vaccines, by its own terms, simply does not apply to the City or its employees.

### **CONCLUSION**

The provisions of PA 86 relating to exemptions from mandatory COVID-19 vaccine policies apply to colleges and public universities to the extent permitted under the Michigan Constitution of 1963, but do not apply to the City or its employees.

While the provisions of PA 87 purporting to restrict mandatory COVID-19 vaccine policies may apply to a department, agency, board, commission, or public officer that receives funding under a part of PA 87 to the extent permitted under the Michigan Constitution of 1963, no department, agency, board, commission, or public officer of the City receives funding under PA 87. Money is only appropriated to state entities under PA 87. Therefore, the restrictive provisions included in PA 87 relating to COVID-19 do not apply to the City or its employees

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<sup>5</sup> Const 1963, art 5, § 20.

## **EXHIBIT A**

### **Text of Section 210h of Public Act 86 of 2021<sup>6</sup> (Community Colleges)**

Sec. 210h. (1) If a community college that receives an appropriation in section 201 establishes a mandatory COVID-19 vaccine policy, it shall provide exemptions to that policy to the following students:

(a) Any student for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the student's health or is not appropriate.

(b) Any student who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(2) It must be presumed that a student who requests an exemption under subsection (1) is entitled to that exemption. The community college shall grant that student's request unless it determines by clear and convincing evidence that the student is not entitled to that exemption.

(3) A community college shall not deny a student's request for an exemption until it has exhausted every reasonable accommodation.

(4) If a community college denies a student's request for an exemption, the community college shall issue a report fully explaining its reasons for the denial. That report must describe all reasonable accommodations the community college offered the student and the student's response.

(5) Every community college shall submit a written report regarding its actions taken under this section no later than March 15 of each year to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director. This annual report must include the following information, which may be obtained from any reliable source that complies with applicable laws regarding student privacy:

(a) The number of students who have requested an exemption from the community college's COVID-19 vaccine policy.

(b) The number of students who have been granted an exemption.

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<sup>6</sup> 2021 PA 86, § 201h <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0086.pdf>> (accessed October 12, 2021).

## **EXHIBIT B**

### **Text of Section 275i of Public Act 86 of 2021<sup>7</sup> (State Public Universities)**

Sec. 275i. (1) If a public university that receives an appropriation in section 236 establishes a mandatory COVID-19 vaccine policy, it shall provide exemptions to that policy to the following students:

(a) Any student for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the student's health or is not appropriate.

(b) Any student who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(2) It must be presumed that a student who requests an exemption under subsection (1) is entitled to that exemption. The public university shall grant that student's request unless it determines by clear and convincing evidence that the student is not entitled to that exemption.

(3) A public university shall not deny a student's request for an exemption until it has exhausted every reasonable accommodation.

(4) If a public university denies a student's request for an exemption, the public university shall issue a report fully explaining its reasons for the denial. That report must describe all reasonable accommodations the public university offered the student and the student's response.

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<sup>7</sup> 2021 PA 86, § 275i <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0086.pdf>> (accessed October 12, 2021).

## **EXHIBIT C**

### **Text of Section 222 of Part 2 of Article 1 of Public Act 87 of 2021<sup>8</sup> (Michigan Department of Agriculture and Rural Development)**

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>8</sup> 2021 PA 87, Article 1, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).



## **EXHIBIT D**

### **Text of Section 224 of Part 2 of Article 2 of Public Act 87 of 2021<sup>9</sup> (Michigan Department of Corrections)**

Sec. 224. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>9</sup> 2021 PA 87, Article 2, Part 2, § 224 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT E**

### **Text of Section 227 of Part 2 of Article 3 of Public Act 87 of 2021<sup>10</sup> (Michigan Department of Education)**

Sec. 227. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>10</sup> 2021 PA 87, Article 3, Part 2, § 227 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT F

### **Text of Section 222 of Part 2 of Article 4 of Public Act 87 of 2021<sup>11</sup> (Michigan Department of Environment, Great Lakes, and Energy)**

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>11</sup> 2021 PA 87, Article 4, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT G

**Text of Section 225 of Part 2 of Article 5 of Public Act 87 of 2021<sup>12</sup>  
(Legislative Branch of State Government, Executive Office of Governor, Michigan  
Department of Attorney General, Michigan Department of State, Michigan Department of  
Treasury, Michigan Department of Technology, Management, and Budget, Michigan  
Department of Civil Rights, and Michigan Department of Labor and Economic  
Opportunity)**

Sec. 225. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>12</sup> 2021 PA 87, Article 5, Part 2, § 225 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT H

### Text of Section 237 of Part 2 of Article 6 of Public Act 87 of 2021<sup>13</sup> (Michigan Department of Health and Human Services)

Sec. 237. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>13</sup> 2021 PA 87, Article 6, Part 2, § 237 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT I**

### **Text of Section 222 of Part 2 of Article 7 of Public Act 87 of 2021<sup>14</sup> (Michigan Department of Insurance and Financial Services)**

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>14</sup> 2021 PA 87, Article 7, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT J**

### **Text of Section 222 of Part 2 of Article 9 of Public Act 87 of 2021<sup>15</sup> (Michigan Department of Licensing and Regulatory Affairs)**

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>15</sup> 2021 PA 87, Article 9, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT K**

### **Text of Section 228 of Part 2 of Article 10 of Public Act 87 of 2021<sup>16</sup> (Michigan Department of Military and Veterans Affairs)**

Sec. 228. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>16</sup> 2021 PA 87, Article 10, Part 2, § 228 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).



## EXHIBIT L

### Text of Section 222 of Part 2 of Article 11 of Public Act 87 of 2021<sup>17</sup> (Michigan Department of Natural Resources)

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>17</sup> 2021 PA 87, Article 11, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT M**

### **Text of Section 222 of Part 2 of Article 12 of Public Act 87 of 2021<sup>18</sup> (Michigan Department of State Police)**

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>18</sup> 2021 PA 87, Article 12, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT N

### Text of Section 222 of Part 2 of Article 13 of Public Act 87 of 2021<sup>19</sup> (Michigan Department of Transportation)

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>19</sup> 2021 PA 87, Article 13, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT C

**Text of Section 225 of Part 2 of Article 5 of Public Act 87 of 2021<sup>18</sup>  
(Legislative Branch of State Government, Executive Office of Governor, Michigan  
Department of Attorney General, Michigan Department of State, Michigan Department of  
Treasury, Michigan Department of Technology, Management, and Budget, Michigan  
Department of Civil Rights, and Michigan Department of Labor and Economic  
Opportunity)**

Sec. 225. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>18</sup> 2021 PA 87, Article 5, Part 2, § 225 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT H

### Text of Section 237 of Part 2 of Article 6 of Public Act 87 of 2021<sup>19</sup> (Michigan Department of Health and Human Services)

Sec. 237. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>19</sup> 2021 PA 87, Article 6, Part 2, § 237 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT I

### Text of Section 222 of Part 2 of Article 7 of Public Act 87 of 2021<sup>20</sup> (Michigan Department of Insurance and Financial Services)

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>20</sup> 2021 PA 87, Article 7, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT J

### Text of Section 222 of Part 2 of Article 9 of Public Act 87 of 2021<sup>21</sup> (Michigan Department of Licensing and Regulatory Affairs)

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>21</sup> 2021 PA 87, Article 9, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT K**

### **Text of Section 228 of Part 2 of Article 10 of Public Act 87 of 2021<sup>22</sup> (Michigan Department of Military and Veterans Affairs)**

Sec. 228. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>22</sup> 2021 PA 87, Article 10, Part 2, § 228 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).



## EXHIBIT L

### Text of Section 222 of Part 2 of Article 11 of Public Act 87 of 2021<sup>23</sup> (Michigan Department of Natural Resources)

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>23</sup> 2021 PA 87, Article 11, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## **EXHIBIT M**

### **Text of Section 222 of Part 2 of Article 12 of Public Act 87 of 2021<sup>24</sup> (Michigan Department of State Police)**

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>24</sup> 2021 PA 87, Article 12, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

## EXHIBIT N

### Text of Section 222 of Part 2 of Article 13 of Public Act 87 of 2021<sup>25</sup> (Michigan Department of Transportation)

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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<sup>25</sup> 2021 PA 87, Article 13, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).