



Written by [Bob Adelman](#) on July 15, 2021

Michigan Legislators Expected to Repeal Law Whitmer Used to Justify COVID Lockdowns

Under orders by Michigan’s Supreme Court, the Board of State Canvassers on Tuesday [voted](#) to allow a petition to be presented to the state’s legislature for consideration and likely passage into law.

What’s unique is that the Michigan Supreme Court has already ruled that the 1945 law — the Emergency Powers of Governor Act, or EPGA — is unconstitutional. But, as one state legislator stated, “Bad ideas never really die in Lansing, they just take naps. And this one could wake back up.”

A group called Unlock Michigan, made up of citizens increasingly infuriated by Whitmer’s executive orders and the expansion of her draconian lockdowns, gathered more than enough signatures to allow the petition to be presented to both houses of the Michigan Legislature next week. The bill would repeal the noxious and unconstitutional act, and passage is likely.

That act on which Whitmer relied as she shut down the state (applying criminal charges for operating a motorboat, visiting a secondary home, and banning stores from selling gardening supplies, for example) was passed in 1945, giving legislative powers to the executive in the event of an emergency:

The governor may proclaim a state of emergency ... and may promulgate reasonable orders, rules, and regulations as he or she considers necessary ... to bring the emergency situation ... under control....

It is hereby declared to be the legislative intent to invest the governor with sufficiently broad power of action in the exercise of the police power of the state to provide adequate control over persons and conditions during such periods.

Last October, the Michigan Supreme Court ruled not only that the ERPG was unconstitutional, but it also ruled that the 1976 Emergency Management Act on which Whitmer also relied for her mandates “did not give Whitmer the power, after April 30 [2020], to issue or renew any executive orders related to the COVID-19 pandemic after 28 days without Legislative approval.”

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Specifically, the state’s high court ruled that the EPGA “is an unlawful delegation of legislative power to the executive branch in violation of the Michigan Constitution,” adding:



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The Governor did not possess the authority to exercise emergency powers under the EPGA because the act unlawfully delegates legislative power to the executive branch in violation of the Michigan Constitution.

Whitmer, not to be denied, used the state health department to continue her orders without legislative approval. So, Unlock Michigan began their petition campaign to rein in the state's Department of Health and Human Services. If successful in persuading the legislative branch, another law would limit that department's rulings to be effective for just 28 days. After that, such administrative mandates would end unless the state's legislative body approved their extension.

The core issue here is that of the separation of powers that limits just such illegal overreach by eager tyrants-in-waiting such as Whitmer. The success of Unlock Michigan serves as an example to follow in reining in federal administrative agencies' similar overreach and abrogation of constitutional limits. Hats off to the success of Michiganders using Unlock Michigan to help restore those limits.



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