



Ottawa County

Corporation Counsel

Douglas W. Van Essen

Ottawa County Corporate Counsel

12220 Fillmore Street, Room 331, West Olive, Michigan 49460

P: (616) 738-4861

F: (616) 738-4888

dvanessen@miottawa.org

www.miottawa.org

CORPORATION COUNSEL'S STATEMENT REGARDING STATE APPROPRIATIONS BILL

October 1, 2021

The State Legislature's recent appropriations bill, SB 82, and more particularly, the language in that bill about local mask mandates has created much confusion in the public. The purpose of this Statement is to clarify the legal affect of that language. There are two types of legislative acts, whether the legislative body is the Michigan State Legislature, Holland City Council, Georgetown Charter Township Board of Trustees or Ottawa County Board of Commissioners. There are resolutions that apply only internally to the state government, city, township, or county. Resolutions are not binding on citizens. The State Legislature can pass statutes and local legislative bodies can adopt ordinances. Only statutes and ordinances are applicable to third parties. A state appropriations bill or act is not a codified statute and **is not enforceable against or by Ottawa County** or its Board of Commissioners or Health Officer regardless of what the Governor says or does not say about SB 82's constitutionality. The State Legislature could amend MCL §333.2253 and prohibit a Health Officer from issuing a COVID 19 mask mandate and that statute would be binding on the Health Officer. The State Legislature has chosen NOT to amend MCL §333.2253 and until it does, that statute controls the issue. Ottawa County continues to follow the law regarding mask mandates. The applicable law is found only in the United States Constitution, federal statutes, Michigan Constitution, state statutes and common law.