GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2023-5

LGBTQ+ Commission

Department of Labor and Economic Opportunity

Michigan has a long, proud history in the fight for equality.

Since its territorial birth, slavery was forbidden before Michigan even became a state and adopted its first constitution. As early as 1867, Michigan enacted civil rights legislation prohibiting racial segregation in public education. The state ban on miscegenation was removed in 1883, long before the U.S. Supreme Court's 1967 ruling in *Loving v. Virginia*. And a year before the passage of the 19th Amendment to the federal constitution, Michigan women gained the right to vote through a state constitutional amendment.

In the twentieth century, LGBTQ+ Michiganders have made strides on the long, arduous journey to equality. On March 7, 1972, the city of East Lansing passed the first ever anti-discrimination ordinance inclusive of sexual orientation in U.S. history. Later that same year, the city of Ann Arbor issued the country's first government proclamation for "Lesbian-Gay Pride Week."

And in 2023, after almost forty years of advocacy, Michigan's Elliott-Larsen Civil Rights Act was amended with bipartisan support to reaffirm legal protections that prohibit discrimination based on sexual orientation and expand such protections to include gender identity and gender expression.

But despite significant progress, LGBTQ+ Michiganders still face discrimination, inequality, and attacks on their life, mental health, and property. In 2023, 74% of LGBTQ+ youth experienced discrimination based on their sexual orientation or gender identity and almost half considered suicide in the past year.

Now, with the rising tide of anti-LGBTQ+ legislation in other states, we must act to ensure that Michigan's LGBTQ+ community is represented at all levels of government, including

within our executive branch. Michigan must be a place where all people can feel safe and thrive. Ensuring equality for LGBTQ+ Michiganders is the right thing to do. Making Michigan freer and fairer will also help attract talent from across the nation and world, while also retaining our homegrown talent.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the LGBTQ+ Commission

(a) The LGBTQ+ Commission ("the Commission") is created as an advisory body within the Department of Labor and Economic Opportunity ("the Department"). For purposes of this order, the term "LGBTQ+" includes members of the lesbian, gay, bisexual, transgender, and queer communities.

(b) The Commission may include the following representatives from the executive branch of state government:

1) The director of the Department or the director's designated representative from within the Department, serving as chairperson;

2) The superintendent of public instruction or the superintendent's designated representative from within the Michigan Department of Education;

3) The executive director of the Michigan Department of Civil Rights or the executive director's designated representative from within that department; and,

4) The director of the Department of Health and Human Services or the director's designated representative from within that department.

(c) The Commission may include the following members appointed by the governor:

1) One member who is either an educator or is a current member of a school board;

2) One member who is a medical professional who regularly provides care directly to members of the LGBTQ+ community;

3) One member who is a tribal member;

4) One member who is a member of the transgender community;

5) Two members who represent LGBTQ+ advocacy organizations, one of which must be a community center;

6) One member who lives in a rural community;

7) One member from the private sector;

8) One member who is a parent, guardian, or caregiver of a child (under eighteen years old) who is a member of the LGBTQ+ community;

9) One member between eighteen and twenty-five years old who is a member of the LGBTQ+ community;

10) One member who is a social worker or mental health professional who regularly provides direct services to members of the LGBTQ+ community;

11) One member who represents a religious institution that welcomes members of the LGBTQ+ community; and,

12) One member who is a first responder.

(d) The Commission's membership should reflect the socioeconomic, racial, ethnic, cultural, gender identity, sexual orientation, occupational, political, and geographic diversity of Michigan to the extent possible.

2. Charge to the Commission

(a) The Commission must act in an advisory capacity to the governor and the director of the Department on policy matters impacting Michigan's LGBTQ+ community and its members.

(b) The Commission must review, develop, and recommend policies, administrative actions, legislative changes, or other approaches to eradicate and prevent discrimination against Michigan's LGBTQ+ community and its members, as well as to address other forms of inequality.

(c) The Commission must advise the Department and make recommendations with respect to the following:

1) Improving and protecting the health, safety, and well-being of Michigan's LGBTQ+ community and its members across all levels of state and local government;

2) Promoting LGBTQ+ culture, history, and economic contributions to Michigan through coordinated efforts and advocacy across state government; and,

3) Attracting potential future residents from the LGBTQ+ community by ensuring that Michigan is a safe place where its members and their families can thrive.

(d) The Commission must publicize and disseminate information on relevant issues, available programs and resources, funding opportunities, and other information relevant to advancing the interests of the LGBTQ+ community and their families by addressing their unique problems and needs.

(e) The Commission must provide other information or advice, as requested by the governor or the director of the Department.

3. Operations of the Commission

(a) The Department must assist the Commission in the performance of its duties and provide personnel to assist the Commission. Any budgeting, procurement, or related management functions of the Commission will be performed under the direction and supervision of the director of the Department.

(b) The director of the Department will ensure that the Commission will receive a report prior to each meeting of the Commission that provides information with respect to relevant activities of the Department and raises appropriate issues for Commission input.

(c) The Commission must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(d) The Commission must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Commission.

(e) The Commission must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(f) A majority of the members of the Commission constitutes a quorum for the transaction of business of the Commission. The Commission must act by a majority vote of its serving members.

(g) The Commission may establish advisory workgroups composed of individuals or entities participating in Commission activities, including other members of the public as deemed necessary by the Commission, to assist it in performing its duties and responsibilities. The Commission may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(h) The Commission may, as appropriate, make inquiries, studies, hold hearings, and receive comments from the public. The Commission also may consult with outside experts to perform its duties.

(i) The Commission may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(j) Members of the Commission must not receive additional compensation for participation on the Commission. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(k) Members of the Commission must refer all legal, legislative, and media contacts or inquiries to the Department.

4. Implementation

(a) All departments, committees, commissioners, or officers of this state must give to the Commission any necessary assistance required by the Commission in the performance of the duties of the Commission so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Commission, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) If any portion of this order is found to be unenforceable, the unenforceable provision will be disregarded, and the rest of the order will remain in effect as issued.

(e) This order is effective upon filing.

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Given under my hand and the Great Seal of the State of Michigan.

Date: June 11, 2023

Time: 11:48 a.m.

GRETCHEN WHITMER
GOVERNOR

By the Governor

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 6/12/2023 AT ~~10:34 AM~~
10:36 AM
CK