

No. 33
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Friday, April 24, 2020.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—excused
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Ed McBroom of the 38th District offered the following invocation:

Dear Father, we are so blessed. We've been so blessed for so long in our nation. We've received from You so much. We've secured the blessings of liberty for two centuries and have been given prosperity and security, yet we've often forgotten You.

Forgive us for believing these blessings are due to our own craftiness or cunning when we ought to be thanking You. We boast, we preen about our success, and we insult God further with our national sins like pride and forgetting widows, the fatherless, abusing children, despising the poor and the outcast, and killing the born and the unborn.

Now, we find ourselves sorely oppressed by disease and uncertainty. The great equalizer of death is close. But it is always close and we just ignore it. Cause us, Father, to remember that our need for You is just as real today as it was several months ago. You are truly the author of life, the author of freedom and liberty, and all good blessings.

Father we come to You asking for Your mercy in this time of national need and of state need. Father, You have the power and the ability to take this from us and to help us through this to restore our nation and to restore our people.

Father, we desperately need Your wisdom today. In Your word You promise us that if any of us lack wisdom, we simply need to pray and ask. Father, we are asking today that You give us that wisdom. Father, in these moments when we work together and are forced to take stock of our differences of opinion and differences in understanding and need, I pray that You will unify us in a desire to see the people of this state prosper again; that You'll unify us in recognition of our need for You, our need that goes beyond our own capabilities or cunning to generate.

Father we need, at this time, divine wisdom. Father I pray that You will bless us today with that unity and that wisdom and that You will help us to rise above the stabbing of words and rhetoric; that You would help us to recognize the importance of the hour and the importance of the time and that we would give grace to each other; that we would give the grace that recognizes that despite our differences of opinion or modes, that we are not enemies; that we are not belligerents who desire different things for our nation or our state, but that we all are bound together in the need to save lives and the need to save our society, our culture, our way of life, and our desperate desire to reestablish freedom and liberty for Your people across this land.

Father, we pray for our Governor. We pray that You would give Governor Whitmer great wisdom, great compassion for the people of this state. That You would strengthen her. That You would help her to hear her people. That You would cause her to be patient with her people and with us as we attempt to partner with her and to work beside her. That we are not enemies. We are all in this together on this day. Father, forgive us for forgetting You and hear our pleas for mercy.

In Your grace we pray. Amen

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Chang moved that Senator Santana be temporarily excused from today's session.
The motion prevailed.

Senator Chang moved that Senator Alexander be excused from today's session.
The motion prevailed.

The following communication was received and read:
Michigan Legislature

April 23, 2020

Pursuant to the authority granted in Joint Rule 15 of the Senate and House of Representatives, you are hereby notified that we have unanimously determined there is a need to convene the Senate and House of Representatives on Friday, April 24, 2020 at 10:00 a.m. We respectfully request that you prepare all necessary notices and communications for these sessions of the Senate and House of Representatives.

Sincerely,

Mike Shirkey

Senate Majority Leader

Lee Chatfield

Speaker of the House

The communication was referred to the Secretary for record.

The following communication was received and read:
Office of the Auditor General

March 20, 2020

Enclosed is a copy of the following report:

- Performance audit report on the Michigan Integrated Tax Administration System (MITAS), Department of Treasury and Department of Technology, Management, and Budget (271-0595-19).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Oversight.

Senator MacGregor moved that rule 1.110 be suspended to allow for same-day introduction and referral of bills.

The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator MacGregor moved that the Senate recess until 11:30 a.m.

The motion prevailed, the time being 10:07 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Gilchrist.

During the recess, Senator Santana entered the Senate Chamber.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:31 a.m.

12:26 p.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 857, entitled

A bill to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” (MCL 10.31 to 10.33).

Senate Bill No. 858, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

On which motion Senator MacGregor requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 129

Yeas—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—15

Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno
Bullock	Hollier	Moss	

Excused—1

Alexander

Not Voting—0

In The Chair: President

The bills were placed on the order of General Orders.

Senator MacGregor moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 857

Senate Bill No. 858

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Brinks as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 857, entitled

A bill to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

Senate Bill No. 858, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

The bills were placed on the order of Third Reading of Bills.

Senator MacGregor moved that the rules be suspended and that the following bills, now on Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 857

Senate Bill No. 858

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator MacGregor moved that the Senate proceed to consideration of the following bill:

Senate Bill No. 857

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 857, entitled

A bill to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties.” (MCL 10.31 to 10.33).

The question being on the passage of the bill,

Senator MacGregor moved that the previous question be ordered.

The motion prevailed.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 130

Yeas—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—15

Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno
Bullock	Hollier	Moss	

Excused—1

Alexander

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Moss, Irwin, Bullock and Santana, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 857.

Senator Moss moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Moss’ statement, in which Senators Irwin, Bullock and Santana concurred, is as follows:

I’m rising to offer an explanation of why I’m voting against this bill—a “no” vote explanation.

I think there's a disconnect here about what some of us are experiencing in our home communities and how these bills have come before us today in session.

It seems like a lifetime ago, but I can still remember that vantage point of being on the outside of this crisis looking inward. Even in early March, it was unthinkable that we'd ever need those same stay-at-home measures in other countries like Italy, and then other states like Washington, so far away from Michigan. Then on March 10, the first positive cases of COVID-19 were confirmed in Michigan, in and around my hometown—Southfield—in Oakland County. The Governor's work began to mitigate the spread. The Speaker of the House said she was in the most-informed position to determine what was best for public health.

But I wasn't personally prepared for those warnings from elsewhere—from Italy, from Washington State—that I saw in the weeks before this crisis hit Michigan. Those warnings—you will know people who will get sick, you will know people who will die. And sadly, it wasn't long. I personally knew the ninth death in Michigan—the ninth. It was March 22, and suddenly I was on the inside of this crisis looking outward. There have been more than 35,000 cases since and almost 3,000 deaths. I know way too many more people who have died.

I represent the zip codes with the most amount of cases in Oakland County. In the zip code I live in, there are 356 confirmed cases as of yesterday. In my parents' neighboring zip code, 414. In another zip code in my district, 429.

As this crisis grew in Southfield, I would check in on my parents every single day. And on the morning of April 4, my mother called me. My dad, a doctor, was sick. Chills, body aches, a fever, couldn't move from the bed. Seventy-one years old and sick. And my mom is 71 years old and trapped. And I live four miles up the road and there's nothing I can do about it. And we cried because we knew the consequences of it all and read the stories about couples who just die together of this. And in that phone call, my mom assuring me, tells me of an article she reads online that it's possible that people with her blood type might have a lower death rate.

So those are the types of conversations that have been going on in my district over the last six weeks. A 71-year-old woman possibly exposed to COVID assuring her adult son that maybe an online article suggests she won't die if her husband does. That's the sick reality that we're facing.

I'm happy we're making progress. I'm happy for those who were protesting and got ease of their restrictions today—that they can golf, that they can go on a motorized boat. But on the inside of this crisis looking out, that's not the crisis we were facing.

My dad got tested and, incredibly, tested negative. But we'd later learn in our bipartisan safe workplaces workgroup from my Oakland County medical director and other health officials that possibly up to 20 percent or maybe more of those negative tests are false negatives. And that people who die from COVID often have their underlying health conditions listed as their cause of death. So we are currently undercounting the infected and undercounting the mortality rate. We don't have enough tests for the virus—still only one percent of the communities of my hard-hit county have been tested. And the antibody tests—which my dad did take this week—are not thoroughly vetted. We still don't have all the information today that we need to track this disease. The Governor is doing everything she can to mitigate its spread given the best information she has. These bills callously second-guess her motivations. And I think there are a lot of assumptions in these bills that the Governor has somehow gone too far in punishing outstate for what remains a metro Detroit problem. That is a dangerous and false assumption to make.

On our bipartisan task force, medical officials from outstate—in Saginaw—said that they're not immune to a Detroit crisis, they're just ten days behind a Detroit crisis. I get it. These orders are disruptive, especially in places with few positive cases. And in Oakland County, we had just one case on March 10—six weeks and a lifetime ago. And here we are, 6,600 cases later. My family is fortunate that my dad is now healthy, but 563 families in Oakland County are grieving the loss of a loved one. And I feel for the counties who once felt like they were on the outside looking in on Oakland County—places like Hillsdale, Lapeer, and Tuscola—who are experiencing spikes in rural Michigan. I think of the good people of those places, just like the good people in my district, and they know that stripping the Governor of an emergency authority isn't going to stop this crisis. Her actions have saved lives; her actions have pushed down the curve.

Instead, we as legislators ought to be making sure that people who have lost their jobs have healthcare coverage, that workers have paid sick leave to care for themselves and their family, and people have access to reliable child care when they safely go back to work. I'm all for preparing our economy to go online when it's safe to do so and instilling confidence in the workforce that there are better days ahead. I'm on a bipartisan work group to do just that. But if we're going to be called back into session in the middle of a pandemic—a week before the expiration of the emergency declaration that all of us, Republicans and Democrats alike, unanimously extended—if you want me here on the Senate floor in this chamber with you

coming in from that hotspot in Oakland County—we ought to at least be doing something productive instead of trying to score political points.

Michigan residents deserve so much better from its State Senate. I ask for my remarks to be published in the Senate Journal so that years from now, when history looks on this period of time, it will be known that there were rational people—and I use that term intentionally—who in the middle of a once-in-a-century global pandemic, didn't hamper our state's emergency response. We owe history a counter to the actions of the Senate today.

Senators McBroom, Horn and Barrett asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McBroom's statement is as follows:

I want to stand up and say a few words because I believe that the narrative that we're hearing—that it is somehow inappropriate to be discussing this today—is anathema to the oath that we all have taken. It is also fraudulent to allege that it is somehow wrong to consider the very laws that the work the Governor is doing is governed by. This Senate and the House, in the past, passed these laws and it has never been more appropriate to initiate this discussion than it is right now.

I respect what the other member mentioned about the initial moments of this crisis and what has come from that and the urgency—and nothing we're discussing here today ends that ability to have that urgency and that immediate, critical response that's necessary. But time has moved forward and the time to begin discussing the ramifications of all of that is important to be initiated, and when is that going to happen? When are we suddenly going to decide it's safe enough to begin that discussion if it's not now?

We are the citizens of this state who have been charged by the people of Michigan to have legislative powers. It is our duty; it is our obligation—not the Governor's—that power rests in us. We need to be here. We need to make the voices of our people heard. Your people; my people; all the people of this state; all of these opinions matter and we need to be here and have these discussions.

The crisis that we confront has far more fronts and more complexity than any monolithic points that we can make about “oh, this is only about politics” or “this is only about rebuking the Governor.” This is way more complex than that and we, the people, who have been charged by the people of this state to speak for them, need to speak. We need to have our peoples' voices heard and that has not happened so far. I don't have any communications with what's going on except for what I get in the media; except for two phone calls that I've gotten, one of them to criticize me for not doing something. We need communication. We need to have the opportunity for our peoples' perspectives and opinions to matter again.

I understand that this might be construed by some to be entirely partisan. And maybe for some people it is. But for me, the necessity of my duty to my citizens to be here, in this place, and to review the laws and to see whether they're working or not is critical and I plan to vote “yes” and I encourage other members to do so.

Senator Horn's statement is as follows:

It wasn't my intent to get up and defend this bill, but I feel like after I hear some of the comments, the rhetoric from the other side is rather confusing to say the least. I think the uncertainty of the comments I just heard from colleagues on the other side are kind of reflective of the uncertainty of many of the executive orders that were placed some weeks ago.

First of all, this isn't an emergency session—this is a special session. If you really felt unsafe coming here, you didn't have to. We would have excused your absence. But I tell you this: there are people out there that are worried about hospital stays, too. But they can't go there because these executive orders have caused them to fear their emergency rooms; have caused them to fear their surgeons. I had a dad call me up on my tele-townhall meeting just yesterday that I shared with Representative Wakeman—his son is still awaiting surgery for bone-on-bone pain that he's experiencing right now.

I have my plumber, who can't just do regular work—he came over for an emergency and had to wait for my toilet to actually leak before he could help me—and his wife's mother is in the hospital right now, dying. She can't hold her mother's hand. She has to look through the glass and say “goodbye.” That's the memory she has to share because of the executive orders we face.

My friend from Southfield stood up and said rational people are taking care of this. I guess that means we shouldn't worry our pretty little heads; that this is all being taken care of. This is being taken care of by one person and one person alone who's planning to save lives—like we couldn't—like we couldn't help in the decision. I had another colleague just stand up and say “we should be here writing laws that protect citizens instead of this bill,” but we're not allowed to because it's being taken care of for us.

When the people were given the formal task of self-governance they set themselves up with a well-defined system of creating laws. The people own this government. They deserve a say in it. We are their say. There are governments around this world that vest all the power and authority of government into one person. Those are not called democracies and those are not called republics. We have a responsibility, as a co-equal branch of government, to share in the solutions to all the problems that Michigan faces, including this crisis itself. If my colleagues are unwilling to participate in this particular system of democracy we have—if you want to leave or yield all of your authority and your power to one person—then you shouldn't be here in the first place. You swore an oath to protect the citizens, not to yield your authority.

Senator Barrett's statement is as follows:

The bill before us today is uncomplicated. It simply restores the constitutional order to our state and removes any doubt as to the actions allowed by each branch of government. All of us, regardless of political stripe or affiliation, or no affiliation at all, should be gravely concerned that any Governor would claim authority to seize unilateral control of state government for as long as he or she chooses. There are systems of government in the world—and I've been to some of them—that provide total authority to one person. Thankfully, the state of Michigan is not one of them. Our framers correctly realized that the pursuit of power was a vice to be safeguarded against. A recent, unconscionable example of this is a no-bid contract placing private citizens' individual health care under the control of a partisan, political data-mining firm. I realize that none of my colleagues on the other side even made mention of that. The remedy to this is what our Founders created—to establish checks and balances with branches of government co-equal, not subordinate to one another.

But don't take my word for it. The Michigan Constitution is clear. Article I, section 1: "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." The protection of the rights of the people. Article III, section 2: "The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch." Now, I'll fully acknowledge and admit to you today that I was a little rusty on my public acts from 1945 when I walked in the door to this chamber. But for the benefit of those at home, I'll recap some of the highlights. There are two emergency powers statutes in Michigan. Public Act No. 302 of 1945, which this bill seeks to repeal, allows the Governor to declare a state of emergency under the following circumstances: "disaster, rioting, catastrophe, or similar public emergency within the state." Nothing in the statute prohibits the Governor from declaring a state of emergency that extends for the entirety of their term of office, relegating the place of the Legislature entirely moot in any of that decision. Public Act No. 390 of 1976, however, designates a state of disaster meaning an "occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or human-made cause" including an epidemic, the exact situation we're facing right now. That law clearly lays out a timeline under which the Governor must receive an extension from the Legislature. It is crystal-clear that Public Act No. 390 of 1976—which provides a firm timeline for the Governor—applies to the crisis related to the coronavirus outbreak in Michigan. It is clear that the Governor requires the consent of the Legislature to continue emergency powers. This bill removes any doubt as to the proper roles of government in our state. We can both grieve the loss of life and still protect our system of government. Those two are not mutually exclusive.

You want to talk about sanctity of life? I'm glad you brought that up. You think it's perfectly acceptable to rip a baby in half and call it life-sustaining, but not necessary for preventive medicine. We know of people denied chemotherapy, people who have been denied pacemakers. I know of someone who went into the hospital with chest pain but they waited at home for so long, that by the time they arrived they died shortly after. I've walked a few hardships and I've been a few places that I hope none of you have to go to in your life. If I don't have the standing in this chamber to stand up and talk about that, then I don't know who does. It's a false choice that we cannot grieve the loss of others and work on appropriate legislation at the same time. Our work here should not be relegated as insignificant, simply because we think it will be hard or that we think we'll have disagreement, or that others might think we're arguing too much. Governing is hard. It's supposed to be hard. Making laws is supposed to be hard. It should be.

Stand with me in defense of our Constitution. Vote "yes" on Senate Bill No. 857.

The following bill was read a third time:

Senate Bill No. 858, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 131

Yeas—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—15

Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno
Bullock	Hollier	Moss	

Excused—1

Alexander

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Hertel and McMorrow under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 858 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Hertel’s statement is as follows:

Just to correct a few things in the last debate, but it’s still on this bill so it’s allowed.

A majority of Michiganders do support the Governor. The gerrymandered Michigan Senate is not an accurate depiction of the people’s views. Polling shows quite clearly that they do.

Second of all, I’ve read my Constitution over and over again. I’m glad you finally decided to do so, and when we undid what the people have done several times in this body over and over and over again, I can’t wait for you to call it out.

Finally, there’s nothing in this executive order that would ban chemotherapy. What an outrageous thing to say on the floor of the Senate. You know that’s not true. Do not get up in this body and pass misinformation. That is for your Facebook page or anywhere else.

Senator McMorrow’s statement is as follows:

I talk with small business owners every single day who are on the verge of losing everything. Who haven’t seen the federal support come through, as it goes to big businesses. Who are pained by the uncertainty of the future and my colleague is right—uncertainty is terrifying. I talk with people who are mad and tired and sad and confused and anxious. I spoke with a landscaper in Troy who owns a small operation, just him and one other guy. He said his business is only on or off, so he is looking at what the economy reopening might look

like. Will it be enough to sustain his business? The other guy he employs is older, one with a history of lung issues and he said, "I don't want to open back up too early and get him sick. I just couldn't live with it." This conversation symbolizes where a lot of us are—grappling with a public health crisis and an economic crisis simultaneously. There is no playbook and there are no easy answers.

What we do know is that if every single person in the country were to freeze in place, six feet apart for two weeks—the fourteen days incubation period for this virus—it would stop dead in its tracks. It wouldn't be alive on any surfaces, it wouldn't transfer to other people and it would be done. But we can't. We know that we need food and farmers and nurses and doctors and mail carriers, so there are a certain number of people who have to be out and about. While it was districts like mine and some of my colleagues who were hit hardest first, the virus is starting to spread to the rest of our state. It doesn't care about county lines.

A constituent shared that he just lost a family member to COVID-19. That his loved one died alone choking on her own mucus. That she never got to say goodbye to her kids and was thrown in a body bag with bleach because embalming is just too dangerous right now. That she was buried in that bag alone, with no funeral, by strangers in hazmat suits. I know how hard it is for people to see how deadly and devastating this virus is unless it's impacted you personally. My husband Ray—I love him to death, he is incredible—he's been volunteering almost every single day at the drive through testing site at the state fairgrounds where he sees hundreds and hundreds of people. Including friends of ours, from Detroit, Macomb, Wayne and Oakland who are sick, some very sick, who are scared and looking for help. I also know how uncertain it is as a business owner or someone who has lost their job and has bills to pay or doesn't know when their kids are going to go back to school, who sees the future with growing fear and anxiety and anger because we're going to be in this for the long haul. Uncertainty is terrifying.

Everyone, regardless of who you are, in this state has lost something; a loved one, a job, a routine, human connection, even just a favorite hobby. We listen and we see—my entire day is non-stop calls with people who are angry, depressed and scared and want someone, or something to blame. I wish I could take that blame and I wish I could fix it, desperately. That's what I wish we were doing here today—helping. The Majority didn't call us here today to help the firefighter who doesn't have enough PPE, who's sleeping in a tent in his backyard because he's afraid to bring the virus in to infect his family. They called us here for a political stunt. The Majority didn't call us here to ensure that those scared, small business owners get the relief they so desperately need instead of large chains. The bill sponsor called us here to change the state of emergency declaration from 28 days to 14 days knowing that the Governor, and any Governor, will veto it. The Majority didn't call us here to put forward any of the solutions from the bipartisan task force on safe work places to ensure that when we send people back to work, that we're not sending them to die. Like the ten people from the Post Foods plant in Battle Creek who have tested positive, some who are hospitalized right now, or my constituent in Troy who worked at Kroger and just made sure that we all had food to put on our table and is now dead. They called us here for a political stunt, and I think that is shameful. The day after Michigan saw its largest increase in positive cases since April 14 when we're seeing cases rise across the state, when nearly 3,000 of our friends and neighbors and family members across the state have died, the Majority didn't call us here to help them. There are thousands of people in each of our districts who are scared and anxious and desperately looking for help. They say we're all in this together, and they've said we cannot let this be partisan, but actions speak a lot louder than words.

Senators Polehanki, Geiss, Bayer, Wojno, Hertel, Bullock, Hollier and Santana, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 857 and 858.

Senators Polehanki, Geiss, Bayer, and Hertel moved that the statements they made during the discussion of Senate Bill No. 857 be printed as their reasons for voting "no."

The motion prevailed.

Senator Polehanki's statement is as follows:

I rise to submit my "no" vote explanation for Senate Bill Nos. 857 and 858 which would restrict the Governor's emergency powers.

First, we are still operating under Governor Whitmer's "Stay Home, Stay Safe" order which is informed by recommendations of the cream of the crop of Michigan's medical professionals, so to be called here to Lansing today for no other reason than to vote to restrict our Governor's ability to keep Michiganders alive in the midst of a global pandemic that has taken the lives of 165 of my constituents to date—to be called here to Lansing today to do that today is wildly irresponsible.

The Michigan Constitution says that the "legislature shall pass suitable laws for the protection and promotion of the public health." But that's not what we're doing today. We're not passing laws today to protect first responders and frontline workers. We're not passing laws today to determine how Michiganders can safely get back to work or expand paid sick leave. You brought us here today to play politics. We're here today solely to vote on bills that would restrict a Governor's ability to save lives of our family and friends.

And she is saving lives. Her leadership, and Michiganders pulling together to stay home, have saved the lives of thousands of grandmas and grandpas, moms and dads, the young and the old, because the Michigan Constitution has given her the emergency powers to do so.

We are living through a global pandemic, the likes of which we haven't seen in 100 years. Now is not the time to restrict any Governor's ability to protect the health and safety of us all, both now and in the future. For these reasons, I am voting "no" today and I encourage my colleagues to do the same.

Senator Geiss' statement is as follows:

Colleagues, in similar vein to my colleagues from Oakland County and western Wayne County, I rise to give my "no" vote explanation to the legislation before us.

There are many reasons that I stand here and talk about why that's the case—in fact there are 1,701 of them. That is the number of confirmed cases in my district as of yesterday's data, which pales in comparison to my good colleague from Oakland County's numbers. Of those members of my community, 128 have lost their lives to COVID-19. Among the reasons I stand here to discuss why we should be voting "no" on the bills are the numbers of calls, emails, and other forms of digital communication that my office team and I have received from residents.

While there has been a loud and vocal group demanding that we stop the "Stay Home, Stay Safe" order and reduce the measures to protect public health, for every one of those communications, four have asked, implored, and begged that we maintain the measures because they are more scared about their health, the health of their families, and because they do not trust their employers to put into place adequate measures to ensure their health and safety. But chief among the reasons that I stand before you today is at the heart of—is central to what we are supposed to be doing in these chambers—and that is the Constitution of the state of Michigan.

Colleagues, I was under the impression that when we were bestowed with this great responsibility as legislators by our constituents, we would be swearing an oath to the whole Constitution—not just the points that are politically expedient. And in that spirit, I too will quote Article IV, Section 51 of the Michigan Constitution of 1963. It states: "the public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health."

The legislation before us does nothing to protect and promote public health, and I therefore question its constitutionality. It will not get more personal protective equipment to the people on the frontlines who so desperately need it. It will not ensure the safety of 80 percent of people calling and asking for measures to protect and ensure public health in their communities and their employers. This legislation will not bring us more tests which we know are critical in detecting the virus and being able to even better mitigate its spread—especially from those who are asymptomatic. This legislation will not ensure that we continue to flatten the curve so that we can save lives.

I, for one, swore an oath to protect the public's health and intend to continue to do what is right for them and to trust the executive branch, whether it's this one addressing the COVID-19 pandemic health crisis or another one in the future grappling with another pandemic or other public health crisis. May I remind everyone here: it is all of us against COVID-19 and we need all of the tools necessary to protect and promote public health as our State Constitution requires.

I will be laser-focused on that battle, and I encourage everyone in this chamber to join me on that front by voting "no" on this dangerous legislation.

Senator Bayer's statement, in which Senator Wojno concurred, is as follows:

I rise to explain my "no" vote to Senate Bill Nos. 857 and 858.

I, too, have lost people because of this deadly disease. What we need to recognize is that the coronavirus is not gone. The intelligent, science-driven decisions, based on data from Michigan, from across the United States, and across the world, made by our Governor as is her responsibility and correct per our Constitution. These decisions and actions have been taming the beast that is COVID-19. And 80 percent of the people agree with the stay home orders.

These bills show a flagrant disregard for science, for the Constitution, and for what the people want. They make it clear that the health of the people of Michigan isn't a priority and that politics is. These bills are intentionally trying to stop the Governor from doing her duty to protect the people of this state and with these actions you have put all of us here today—everyone and our families at risk—not to help the people of Michigan, but to be a political stunt.

I swore an oath to protect Michigan's public health, and I will continue to do what is right, which means supporting the Governor in her work to protect the people of Michigan, and not supporting political stunts.

Senator Hertel's statement, in which Senator Bullock concurred, is as follows:

I love and respect this institution. I am humbled to work in this place, doing the work for Michigan's people. I deeply miss coming to the Capitol—and even some of you—and sitting in this place where great leaders have served, and great things have been accomplished. There have been great days here, but this, sadly, is not one of them.

There are times when we agree and times when we disagree. I have never been more disappointed in this body than I am today. To call an emergency session in the middle of a public health crisis to do nothing but politics is a violation of the rules and the spirit of this body. For the record, stunts like these are why people hate politicians and don't trust their government. You know—you all know—that the Governor is not signing this bill. All of this is sound and fury signifying nothing. In the middle of a public health crisis, you brought all these people here to accomplish nothing but a talking point. No actual real work is being done with this legislation. You know it and we know it. We are in the middle of a pandemic, people are scared, and while we have health care workers, first responders, grocery store workers putting themselves in harm's way every single day, this is the best thing you could come up with? To make us all come here, this is the one issue you thought was so important that this is the one thing you brought us all up here to talk about? The only thing you could think of.

Are we voting to get frontline workers the protective equipment they need? No. Are you assuring that first responders have access to hazard pay or are covered when they are sick? No. Are you talking about fixing and properly funding the unemployment system that your party was in control of for eight of the last ten years and now you pretend like you have been champions of fixing? No, we're not doing that either. Are we assuring the safety of those who work or live in our nursing homes? No. Are you assuring paid sick leave for workers? No. Are you increasing direct care workers' wages to more than barely above minimum wage? No.

You are putting politics over anything else that would actually help the people of Michigan whom you serve. I think it's important to acknowledge at the same time as you sit here and have no answers for the people except for this, what the Governor has been doing with her executive authority and what you're voting "no" on when you vote "yes" on this bill today. The Governor, in the last six weeks, has used her executive and emergency powers to expand unemployment benefits, increase direct-care workers' wages, expand access to testing, expand access to PPE, expand health care access, expand access to housing, expand access to child care, extend property tax deadlines and income tax deadlines, restore water shutoffs, created the Michigan mortgage relief partnership, and established a partnership with Midwestern and bipartisan governors from across the Midwest to ensure that we're all working to solve these problems together. The list goes on and on.

What have you been doing? Besides complaining on Facebook and pretending that you're amateur epidemiologists, I can't figure it out. Instead, we come here today. We come here today to play politics one more time. No answers for people; no help for people. No, no ideas for that. You drove all of us here, risked our lives, our families' lives, our constituents' lives you're going to go back to afterward, for a political stunt. Instead of being a partner and passing laws that ensure protections, your plan is to what? Inhibit our ability to help our citizens during a state of emergency? Our people are looking to their leaders for guidance and direction on what we can all collectively do to get out of this situation quickly together. This political distraction further endangers the lives and well-being of our citizens. It's reckless. Politicians shouldn't be making these decisions. Doctors, scientists, epidemiologists, none of you are them—I guess one of you is a doctor—you created a commission to actually look at this entire issue to determine when it would be safe to open together, and then you shelve the work of that commission because you didn't like the outcome of it. You couldn't come to a bipartisan agreement. So, instead, we're playing politics again.

Our health care professionals are taking to social media to plead with us to follow social distancing guidance—literally begging us to stay home, because they cannot. Just one example from a nurse who lives in Bath, which is not in my district but is in the sponsor's district, but works in my district. She says:

You can all try and argue what you want to argue but until you are on the frontlines, seeing how sick these people are, you have not a single ounce of understanding or knowledge. You can read all you want on social media and believe whatever you want, but facts are facts—people are dying. People are having to leave their families behind for days and weeks so they can care for the sick. Selfish is an understatement, stupid is an accuracy, and a potential for continued spread is deadly. Live a day in the shoes of a healthcare worker or first responder, then I care to hear what your opinion is on the Governor's emergency orders.

The bill sponsor then took to Facebook to say that, yes, people will die but that freedom is messy and people fought and died for freedom. I want to get one thing straight—no country, at least no decent country, sends their children, their seniors, and their sick to the front lines of a battle. He goes on to say that if the bill accomplishes what he wants, the Governor will blame him for those deaths. Well, you're damn right. That's just common sense. Actions have consequences. My good friend and colleague Morris Hood is in the hospital right now. He's been on a ventilator for a week. This is not a disease to make light of. He is not just a casualty of what's going on. He's a person. He sat in the back of this room. He implored us every single time that we left session to hug your family and that tomorrow was never promised. I don't want to hear another damn thing about the sanctity of life come out of that side of the aisle that is voting for this bill today. Apparently life is sacred unless it stops the almighty dollar or your golf game.

History shows us that choosing between our health and our economy is a false choice. Our economy will only thrive when people believe they can go out safely, and the worst thing that could happen for our health and our economy would be a second wave of this virus.

The Insane Clown Posse has cancelled their concerts and meet-ups during this pandemic. That's right; let that sink in for a minute. The Insane Clown Posse has more sense than the Senate Republican Caucus.

Senator Hollier moved that the statement he made during the discussion of Senate Bill No. 858 be printed as his reasons for voting "no."

The motion prevailed.

Senator Hollier's statement, in which Senators Bullock, Hertel, Santana, Bayer, Geiss, Polehanki and Wojno concurred, is as follows:

We find ourselves in an unprecedented situation, not just in the history of our state, but in the history of our modern world. Most of us are all here wearing masks. We've been at home for far too long, we're all irritable, we're all uncomfortable. But many of us are lucky to have our health. Something too many of my constituents can't say.

As we talk about these bills, they don't address a lot of things. And that's come up a great deal. They don't talk about the \$1.2 million that have been given out to displaced Michigan workers, or the nearly one million claimants who have applied for unemployment insurance. They talk about time. These bills won't establish remote learning for disadvantaged students. They don't help keep businesses and neighborhoods on their feet. And they don't give the Governor the time she needs to do so. This bill is about time. It's about power. And as we talk about that, in a crisis, time is the most important thing you have. And I can say that, because I come from a family of first responders. My dad was a paramedic, and then a firefighter, and after he retired, God forbid, he went to work for the county health department, and planned for pandemics. And so every time I go home, my dad was talking about some other training we should be doing. Talking about how our plans were inadequate. Talking about how we would or would not get the services and the supplies necessary to deal with the situation. And when we talk about the statute that we're amending today, we should be talking about giving the Governor a greater ability to ensure we're safe—greater flexibility and more time. But that's not what we're doing. We're saying to a battlefield commander, "We're in charge. Come check with us. This is what power looks like." And as someone who has been a first responder, a fire fighter, as a medic, as a first responder during disasters, as a soldier, I have always been taught that you trust the person in the field. You trust the commander on the ground. And that's exactly what we're not doing here. We're saying, "Hey, instead of the month you had before"—which I think is inadequate—we're saying "Every two weeks you need to come check in with us."

And we've seen how check-ins like this work. Many of you, your number one issue is you're getting constituents calling with Unemployment Insurance Agency complaints. Because we made them have stricter check-in requirements. And that's what we're asking the Governor to do. To say, "Hey, every two weeks, come back and negotiate, not with the 38 Senators or the 110 House members, but with all of them. Come back in every two weeks and check in to make sure that you're making the right decision." That doesn't make sense to me. It doesn't make sense to say, in a crisis, in a disaster, which not a single person in this room has stood up and said we're not in. No one has argued that the Governor needs less time. You said you want more liberty. You say "We should be trusted more." I just don't get it. I'm from a community that is grappling with this in untold numbers. Every day, the numbers seem to go up, and they do. Every day the numbers go up. Yes, some people will say, "There's light at the end of the tunnel. The number of people getting diagnosed is going down." But the total number is still going up. Every day we see more deaths. Every day I cringe when I answer my phone because it's a call or a text about somebody who's dying.

My mom called me last night, in the middle of the draft, I'm like, "Finally, finally, I'm going to do something that is not coronavirus related." I'm sitting at my computer, I'm eating all of the garbage food that I've not been eating—I'm eating Chicken Shack, and chocolate chip cookies, and drinking alcohol, which for all of you that know me, know that that's not my normal thing. But that's what I'm doing, and my mom calls to tell me that Tom Wilson died. And none of you know him, well, some of you, I take that back. But he saved my mom, when my mom was a little kid, he was the guy who ran off some big stray dog. Every

time I saw Tom, he would ask me how my mom was doing. Because he was from our neighborhood. He was from my neighborhood. And he's gone. But you did know people like Isaac, that's my state rep. That was my state representative. I've known him my entire career. And any of you who ever saw him, knew him and will never forget him. I worked with his parents. As a matter of fact, his mom beat me, my first real race, she beat me. And we were friends. And she was grappling with COVID-19. I served on a board with her father. But that was a family of civil servants. A family of people who responded. Much like my family. Those are the people we're losing right now. Not the one who are concerned with landscaping, or motor boating, or their second house, or golfing, or any of those things.

I get it. It's inconvenient to be stuck at home. But God, what a blessing to have a home that you are with. Because when I get calls, they're about people who don't have homes. And the ones that do, they don't have safe homes to live in. That's what the reality is. And that's not what we're saying when we're trying to make people feel guilty about today, or tomorrow, or what we're looking at. We're saying, the people who are tasked with doing this work, need the time to focus on doing this work, not negotiating with us. And yes, I was elected because I have a tendency to run in. When I was 10 years old, I promised my dad I would take care of the people who ran in. Because he was so deathly afraid that I would run too fast, that I would run in every single time. And I get it, we're all here because we want to be in the space. You want to do everything you can to help everyone you can. That's what we're here to do. That's what we're supposed to be doing. Sometimes that means we take some time, that we're patient, that we give people the space, and that's the Governor, to give her the space and the department directors the space they need to provide the work that needs to be done. And I get it, it's hard to yield power to someone you disagree with. It's hard. But saying, "Hey instead of the 28 days, you need 14, we're going to check in every two weeks," that doesn't solve any of these problems. We talked about freedom, and all those kinds of things, and I see the protestors, I've been getting the calls the same way you have. But 2,977 Michiganders as of yesterday will never get another call. They will never get another opportunity to complain or to talk about their liberty, or their pursuit of happiness, because they have lost their lives.

And that's what this bill is about. This bill is about how much space and time and ability do we give people whose job it is every day to do the work. Do we next go to hospital administrators and say, "Hey, every 2 weeks you need to reconcile. You need to be doing those kinds of things." No, we need to be saying, "How do we give you more time? How do we give you more ability to deal with this emergency?" And that's, honestly, that's just not what's happening. And it's frustrating for me, just as much as it's got to be frustrating for you. Especially when you say, "Hey, this crisis is not hitting every part of the state the same way." But it's coming. If you don't feel like it's in your neighborhood, it's coming. And God willing it doesn't hit you the way it's hit mine. But that's because it's happening in Detroit. Because it's happening in Hamtramck, in Highland Park, in Harper Woods, in Grosse Pointe. Some of my largest numbers are in Grosse Pointe Farms, literally the most affluent community in my area. But those are the people who can stay home, those are the ones who are in a house, bouncing a ball across the wall or playing video games or doing all those kinds of things, because that's what time looks like when you have it. Essential workers was something we never talked about before. Some people we didn't think about the way we do now. Grocers, firefighters, police officers, teachers, those are the people who need more time.

And as we talk about this emergency declaration, as we talk about this statute, what we should have been talking about, and what I wish we would talk about, is how we allow us, as a body, to work remotely. That's the kind of thing that would have made a difference in this legislation. That would have said, "Hey, we can engage more often, we can engage more freely," if it affected those kind of opportunities. This is 2020, there's no reason that we all need to be standing here, sitting five or six feet across from each other. You can run a complicated battle from across the world—we have the technology to do it. But when we talk about how we go to war, it's not like this. I'm an Army Reserve Officer, my unit is meeting remotely. We're doing all those things because it's too dangerous for us to come together from all across the country. It's too dangerous for all of us to come together like this, every two weeks. Isaac Robinson was my state representative and he will never serve in these chambers again. And I was standing right next to him, while he was absolutely carrying this virus, and I can say that about five or six other people from a month ago. And for all of my colleagues whose communities have had less exposure, if there's session, and I'm healthy, I'll be here, and I've probably been exposed. As have so many of my colleagues from southeastern Michigan.

If you feel like your community has been safe, has not been hit by this, do you really want, every two weeks, to take the gamble that you're going to take at home? Because that's what this legislation does. It says that every two weeks, you want the chance to spread coronavirus to your constituents. Can't spread it to mine, the community spread's already there. This is one issue, but it's going to happen again. Do we want, every two weeks, to be saying to everybody across this state, "Hey, I think it's more important for me to negotiate with the Governor about our shared power, than for me to stay home and keep you safe"? Because that's what this bill is about. It's about how important do we feel, versus how important it is to safeguard our communities.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator MacGregor moved that rule 3.202 be suspended to permit immediate consideration of the following concurrent resolution:

House Concurrent Resolution No. 20

The motion prevailed, a majority of the members serving voting therefor.

House Concurrent Resolution No. 20.

A concurrent resolution to create the Joint Select Committee on the COVID-19 Pandemic.

Whereas, It is the inherent responsibility of the Legislature to oversee the operations of the executive branch and ensure the effective implementation and operation of state government programs. The Michigan Legislature passed the Emergency Management Act in 1976 and other related laws to grant the Governor certain responsibilities for coping with dangers to this state and the people of this state presented by a disaster or emergency; and

Whereas, On March 10, 2020, Governor Whitmer issued Executive Order 2020-04 declaring a state of emergency across the state of Michigan to address the COVID-19 pandemic; and

Whereas, On April 1, 2020, Governor Whitmer issued Executive Order 2020-33 to replace Executive Order 2020-04 and expand that initial March 10, 2020, declaration to include a state of disaster related to the COVID-19 pandemic; and

Whereas, On April 7, 2020, the Legislature extended the declared states of emergency and disaster until April 30, 2020; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That there be created the Joint Select Committee on the COVID-19 Pandemic. The joint select committee shall consist of five members of the House of Representatives appointed by the Speaker of the House, two from the House Democratic Caucus recommended by the House Minority Leader and three from the House Republican Caucus, and five members of the Senate appointed by the Senate Majority Leader, two from the Senate Democratic Caucus recommended by the Senate Minority Leader and three from the Senate Republican Caucus. The Speaker of the House shall designate the chairperson of the joint select committee, and the Senate Majority leader shall designate the vice chairperson; and be it further

Resolved, That, pursuant to MCL 4.541, the joint select committee may subpoena and have produced before it the records and files of any state department, board, institution or agency, and it shall be the duty of any state department, board, institution or agency to produce before the joint select committee as required by the subpoena, or permit the members of the committee to inspect its records and files; and be it further

Resolved, That the joint select committee shall examine the status and efficacy of governmental actions in response to the COVID-19 pandemic in Michigan. The joint select committee shall report to the Legislature a summary of its findings and conclusions, as well as any recommendations on further appropriate actions the Legislature may take to address the COVID-19 pandemic and to prevent or prepare for similar emergencies in the state.

The House of Representatives has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

Senator Irwin offered the following amendments:

1. Amend page 2, line 9, by striking “five” and inserting “six”.
2. Amend page 2, line 10, following “House,” by striking “two” and inserting “three”.
3. Amend page 2, line 12, following “and” by striking “five” and inserting “six”.
4. Amend page 2, line 13, following “Leader,” by striking “two” and inserting “three”.

The question being on the adoption of the amendments,

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 132

Yeas—15

Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno
Bullock	Hollier	Moss	

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—1

Alexander

Not Voting—0

In The Chair: President

Senator Hertel offered the following amendment:

1. Amend page 2, line 27, after “Michigan” by inserting, “This shall include an investigation of the federal response and whether actions taken by the federal government to assist the State of Michigan were influenced by the President’s favoritism.”

The question being on the adoption of the amendment,

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 133**Yeas—15**

Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno
Bullock	Hollier	Moss	

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—1

Alexander

Not Voting—0

In The Chair: President

The question being on the adoption of the concurrent resolution,

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 134**Yeas—22**

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—15

Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno
Bullock	Hollier	Moss	

Excused—1

Alexander

Not Voting—0

In The Chair: President

Senators Irwin, Hertel and Shirkey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Irwin's statement is as follows:

I rise to ask my colleagues to support my amendment today to make this proposed Joint Oversight Committee a bipartisan committee.

My amendment would equalize the membership of this oversight body and would make the committee a truly bipartisan effort to look into what happened with COVID-19. Now I want to take a moment to remember a time when we had our last joint special committee and that was to investigate the Flint water crisis. I think it's particularly interesting that with this process we're giving the committee subpoena power, but forgive me, Mr. President, I'm realizing that I need to speak to my amendment.

Let me say that if this proposed joint committee is a cynical, political ploy, I expect you to reject my amendment today. But if you really want to provide bipartisan oversight; if what you really want is to get to the truth of what happened with COVID-19 in Michigan—what did the Governor do or not do; what did the President do or not do; what did our first responders, our hospitals, and our nursing homes do or not do—then I urge you to support my amendment and show us that this whole session has not just been one big political stunt so you can score points during a crisis.

Senator Hertel's statement is as follows:

Colleagues, my amendment simply says that the committee's work shall include an investigation of the federal response as well. If you are doing an investigation, you cannot leave out the decisions that were made at the federal level as well as Michigan. If you want to do an actual full, real investigation that is not about politics, let's make sure it's thorough. Maybe we can investigate why there weren't enough tests at the beginning of this process prepared for by the country, or why we were so unprepared from the very beginning, or whether disinfect can be used to clean your lungs. I don't know. There are lots of different things we can investigate. But it just seems like if we are investigating the state response, we should be investigating the federal response as well. I would like you to help me prove that this is not a political process. That we are open to investigating both the state and federal response here in Michigan so that we get answers for the people that we serve.

Senator Shirkey's statement is as follows:

Evidently I have far more confidence in the Speaker of the House of the United States Congress in doing the proper oversight for the federal government because they have already done such and set up a special committee to do so. If our colleagues in this chamber that disagree with what we're trying to do now will also follow with the same kind of rhetoric and animus and comments and passion, taking objection to the actions of Speaker Pelosi on federal oversight, then I'd find that to be very consistent with their actions.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received on April 17, 2020, and read:

EXECUTIVE ORDER

No. 2020-52

Temporary extension of certain pesticide applicator certificates

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The COVID-19 pandemic has disrupted, among many other things, the ability of state agencies and departments to conduct business as usual, including the administration of various regulatory requirements. To protect the health and safety of this state and its residents during this crisis, it is crucial to ensure that this disruption in state operations does not unduly impede Michiganders from meeting their essential needs, such as food.

The food supply of this state depends on the hard work of many, including those who are registered or certified pesticide applicators. The certificates of these applicators expire every three years, but due to the pandemic and its resulting constraints on state operations, many of them have unexpectedly found

themselves unable to timely satisfy all of the standard requirements for certificate renewal. Given the dependence of the state's food supply on the availability of certified and registered pesticide applicators and the essential role that these applicators play in protecting public health and safety, it is reasonable and necessary to temporarily extend the validity of certain pesticide applicator certificates, so that these applicators may continue to provide their needed services throughout this crisis.

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

1. Notwithstanding any statute, rule, or regulation to the contrary, all three-year certificates for commercial applicators, private applicators, and registered applicators issued pursuant to Part 83 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.8301 *et seq.*, that were set to expire on December 31, 2019, must be deemed unexpired and not to expire until 60 days after the end of the declared states of emergency and disaster.

2. This order is effective immediately.

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

Date: April 17, 2020

Time: 8:13 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 20, 2020, and read:

EXECUTIVE ORDER
No. 2020-53

Enhanced restrictions on price gouging

Rescission of Executive Order 2020-18

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Since the onset of this crisis, it has become apparent that some businesses and individuals are selling face masks, hand sanitizers, cleaning supplies, paper products, and other products that people might seek to

purchase due to the crisis at unjustified, exceptionally high prices. To prevent such price gouging and help all Michiganders access necessary products during the COVID-19 pandemic, it is reasonable and necessary to temporarily impose enhanced restrictions on the excessive pricing of goods, materials, emergency supplies, and consumer food items.

Executive Order 2020-18 imposed such enhanced restrictions. This order strengthens them and extends their duration, as they remain reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-18 is rescinded.

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

1. A person must not resell a product in this state at a price that is grossly in excess of the purchase price at which the person acquired the product.
2. A person must not offer for sale or sell any product in this state at a price that is more than 20% higher than what the person offered or charged for that product as of March 9, 2020, unless the person demonstrates that the price increase is attributable to an increase in the cost of bringing the product to market or to an extraordinary discount in effect as of March 9, 2020.
3. For purposes of this order:
 - a. "Person" means an individual, business, or other legal entity.
 - b. "Product" means any good, material, or consumer food item with a fair market value of less than \$1,000.00, or any emergency supply.
4. This order does not limit or impair the ability of the attorney general to investigate, determine, or impose liability under the Michigan Consumer Protection Act, 1976 PA 331, as amended, MCL 445.901 *et seq.*, or any other law of this state.
5. This order is effective immediately and continues through May 15, 2020 at 11:59 p.m.
6. Executive Order 2020-18 is rescinded.
7. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: April 17, 2020

Time: 4:06 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 20, 2020, and read:

EXECUTIVE ORDER
No. 2020-54

Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home

Rescission of Executive Order 2020-19

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health,

economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The current states of emergency and disaster would be exacerbated by the additional threats to the public health related to removing or excluding people from their residences during the COVID-19 pandemic. To reduce the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to provide temporary relief from certain eviction-related requirements and to temporarily prohibit the removal or exclusion of a tenant or mobile home owner from their residential premises, except in extreme circumstances.

Executive Order 2020-19 provided such relief. This order clarifies that relief and extends its duration, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-19 is rescinded.

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

1. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person shall remove or exclude from leased residential premises or residential premises held under a forfeited executory contract a tenant, a vendee of a forfeited executory contract, or a person holding under a tenant or vendee, except when the tenant, vendee, or person holding under them poses a substantial risk to another person or an imminent and severe risk to property. This order should be broadly construed to effectuate that purpose. This section is effective immediately and continues until May 15, 2020 at 11:59 p.m.

2. Nothing in this order is intended to abrogate the judicial power, which is vested exclusively in this state’s one court of justice by section 1 of article 6 of the Michigan Constitution of 1963. This order does not affect the inherent power of a judge to order equitable relief.

3. Nothing in this order shall be construed to abrogate the obligation to pay or right to receive payment due under a lease, nor to prohibit a landlord from making a demand for the payment of rent. Any demand for the payment of rent, however, must not include a demand for possession, or other threat of eviction, based on the nonpayment of rent. Effective immediately and continuing until May 15, 2020 at 11:59 p.m., any service of a demand for payment may not be made by personal delivery.

4. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person may enter residential property in order to remove or exclude from the premises a tenant, a vendee of a forfeited executory contract, a person holding under a tenant or vendee, or the personal property of a tenant, vendee, or person holding under them, including pursuant to a writ authorizing restoration of a plaintiff to full, peaceful possession of premises under section 5744 of the RJA, MCL 600.5744, except when the tenant, vendee, or person holding under them poses a substantial risk to another person or an imminent and severe risk to property. This section is effective immediately and continues until May 15, 2020 at 11:59 p.m.

5. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, a sheriff, under-sheriff or constable, deputy, or other officer must not serve process requiring forfeiture of leased residential premises or residential premises held under a forfeited executory contract. Any requirements to that effect imposed by the RJA are suspended. This section is effective immediately and continues until May 15, 2020 at 11:59 p.m.

6. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person may deny a mobile home owner access to their mobile home, except when the mobile home owner’s tenancy has been terminated because the mobile home owner poses a substantial risk to another person or an imminent and severe risk to property. This section is effective immediately and continues until May 15, 2020 at 11:59 p.m.

7. Until thirty (30) days after the restrictions on eviction provided by sections 1 through 6 expire, any statutory limits on the court of this state to adjourn any proceedings, toll any redemption periods or limitations periods, or extend any deadlines are suspended.

8. As used in this order, all terms have the meaning provided by the Revised Judicature Act of 1961, 1961 PA 236, as amended.

9. Executive Order 2020-19 is rescinded.
 10. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
 11. A copy of this order will be transmitted to the State Court Administrative Office.
 Given under my hand and the Great Seal of the State of Michigan.

Date: April 17, 2020
 Time: 4:06 p.m.

[SEAL]

Gretchen Whitmer
 Governor

By the Governor:
 Jocelyn Benson
 Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 20, 2020, and read:

EXECUTIVE ORDER
 No. 2020-55

Michigan Coronavirus Task Force on Racial Disparities

Department of Health and Human Services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4, which declared a state of emergency across the state of Michigan.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan.

The COVID-19 pandemic has disproportionately impacted communities of color throughout our state. For example, while African Americans represent 13.6% of our state's population, they represent a staggering 40% of the deaths from COVID-19. The health and safety of this state and its residents, communities, and businesses would benefit from a task force devoted to thoroughly studying and developing strategies to immediately address this troubling disparity and the historical and systemic inequities that underlie it.

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 places each principal department of state government under the supervision of the governor unless otherwise provided.

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

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

- 1. Creating the Michigan Coronavirus Task Force on Racial Disparities**
 - (a) The Michigan Coronavirus Task Force on Racial Disparities ("Task Force") is created as an advisory body within the Department of Health and Human Services ("Department").
 - (b) The Task Force must consist of:
 - (1) The lieutenant governor.
 - (2) The director of the Department, or the director's designee from within the Department.
 - (3) The chief medical executive.
 - (4) 24 members appointed by the governor reflecting the diverse geographic, economic, racial, cultural, gender, and occupational composition of this state.
 - (c) A vacancy on the Task Force must be filled in the same manner as the original appointment.
 - (d) The lieutenant governor must serve as the chairperson of the Task Force.

2. Charge to the Task Force

(a) The Task Force must act in an advisory capacity to the governor and must do the following:

(1) Study the causes of racial disparities in the impact of COVID-19 and recommend actions to address such disparities.

(2) Recommend actions to increase transparency in reporting data regarding the racial and ethnic impact of COVID-19; remove barriers to accessing physical and mental health care; reduce the impact of medical bias in testing and treatment; mitigate environmental and infrastructure factors contributing to increased exposure during pandemics resulting in mortality; and develop and improve systems for supporting long-term economic recovery and physical and mental health care following a pandemic.

(3) Perform outreach to ensure all stakeholders in impacted areas are informed, educated, and empowered. Stakeholder outreach will include, but is not limited to, community leaders, partner organizations, tribal governments, local government officials, and other elected officials representing the impacted areas.

(4) Perform outreach to ensure the general public is informed about racial disparities in the impact of COVID-19, and the work of the Task Force.

(5) Identify avenues of funding for combatting racial disparities in the impact of COVID-19.

(6) Recommend changes in Michigan law relevant to combatting racial disparities in the impact of and response to pandemics.

(7) Identify other issues and provide recommendations to the governor on any other matters relevant to addressing racial disparities in the impact of and response to pandemics.

(8) Provide other information or advice or take other actions as requested by the governor.

(b) The Task Force must report regularly to the governor on its activities and make recommendations on an ongoing basis.

(c) The Task Force will continue its work until 90 days after the end of the declared states of emergency and disaster, or such other time as the governor identifies.

3. Operations of the Task Force

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

(b) The Task Force must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

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

(d) The Task Force may select from among its members a vice chairperson.

(e) The Task Force may select from among its members a secretary. Task Force staff must assist the secretary with recordkeeping responsibilities.

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

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

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

(i) The Task Force may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Task Force also may consult with outside experts in order to perform its duties, including experts in the private sector, organized labor, faith community, government agencies, and at institutions of higher education.

(j) The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the chair deems advisable and necessary, consistent with this order and applicable law, rules, and procedures, subject to available funding.

(k) The Task Force 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.

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

(m) Members of the Task Force appointed under sections 1(b)(2)-(4) of this order must refer all legal, legislative, and media contacts to the Department.

4. Implementation

(a) All departments, agencies, committees, commissioners, and officers of this state must give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task

Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force 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 Task Force, 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 rest of the order remains in effect.

(e) This order is effective upon signing.

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

Date: April 20, 2020

Time: 12:55 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 22, 2020, and read:

EXECUTIVE ORDER
No. 2020-56

**Temporary enhancements to operational capacity,
flexibility, and efficiency of pharmacies**

Rescission of Executive Order 2020-25

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this pandemic, the public requires increased access to therapeutic pharmaceuticals. Meeting this critical need requires swiftly but safely expanding access to pharmacy services. To that end, it is reasonable and necessary to provide temporary and

limited relief from certain regulatory restrictions regarding pharmacies in order to enhance their operational capacity, flexibility, and efficiency.

Executive Order 2020-25 provided such relief. This order extends its duration, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-25 is rescinded.

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

1. Pharmacists located in any county in this state may dispense emergency refills of up to a sixty (60) day supply of any non-controlled maintenance medication for residents of any county in this state if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

2. The following shall apply to all emergency refills dispensed under section 1 of this order:

(a) The pharmacist must inform the patient that the prescription was refilled under section 1 of this order.

(b) The pharmacist must inform the prescriber in writing within a reasonable period of time of any refills the pharmacist dispensed under section 1 of this order.

(c) Prior to refilling a prescription under section 1 of this order, the pharmacist, clinic, or mobile pharmacy must make every reasonable effort to communicate with the prescriber regarding the refilling of the prescription. The pharmacist must make an appropriate record of that effort, including the basis for proceeding under section 1 of this order.

(d) A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist refilling a prescription under section 1 of this order.

3. Pharmacists may temporarily operate a pharmacy in an area not designated on the pharmacy license, but they may not prepare sterile drug products beyond low-risk preparations, as defined by USP standards, for immediate inpatient administration in such temporary facilities.

4. Pharmacists may dispense and/or administer drugs as needed to treat COVID-19 pursuant to protocols established by the Centers for Disease Control and Prevention or the National Institute of Health, or as determined appropriate by the chief medical executive of the Department of Health and Human Services or her designee.

5. Pharmacists may substitute a therapeutically equivalent medication for a medication subject to critical shortages without the authorization of a prescriber. The pharmacist must inform the patient of any such substitution. The pharmacist must inform the prescriber within a reasonable period of time of any prescriptions or refills dispensed under this section. A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist filling or refilling a prescription under this section.

6. To increase the number of pharmacists who can serve patients during this time of need, preceptors may supervise student pharmacists remotely to fulfill eligibility for licensure and avoid delaying graduation.

7. Insurers and health maintenance organizations issuing health insurance or disability insurance policies that provide prescription drug benefits must cover any emergency refills of covered prescription drugs dispensed by a pharmacist under section 1 of this order. Insurers and health maintenance organizations must also allow for early refills of all 30-day or 60-day covered prescription maintenance medications to allow for up to a 90-day supply to be dispensed by a pharmacy, without regard to whether the pharmacy is mail-order or in-person. Insurers and health maintenance organizations may still apply policy or contract provisions governing out-of-network benefits and cost-sharing.

8. Pharmacists may supervise pharmacy technicians and other pharmacy staff remotely. Supervision must be conducted through a real-time, continuous audiovisual camera system, capable of allowing the pharmacist to visually identify the markings on tablets and capsules. The pharmacist must have access to all relevant patient information to accomplish the remote supervision and must be available at all times during the supervision to provide real-time patient consultation. A pharmacy technician may not perform sterile or nonsterile compounding without a pharmacist on the premises.

9. Pharmacies holding a license, certificate, or other permit in good standing issued by another state must be deemed licensed to do business in this state. These out-of-state licensed pharmacies must not deliver controlled substances into this state; must abide by all Michigan regulations applicable to the practice of pharmacy, but need not have a pharmacist-in-charge with a license to practice in Michigan; and must hold a current accreditation from a national organization approved by the Michigan Board of Pharmacy before providing sterile compounding services to patients in this state.

10. Wholesale distributors holding a license, certificate, or other permit in good standing issued by another state must be deemed licensed to do business in this state. These out-of-state wholesale distributors must not deliver controlled substances into this state and must abide by all Michigan regulations applicable to a Michigan-licensed wholesale distributor.

11. To the extent any statutes, rules, or regulations may be inconsistent with this order, strict compliance with them is temporarily suspended. This includes, but is not limited to: sections 17707(5), 17739(2)(c), 17739a(3), 17741(1)-(2), 17743, 17748, 17748a, 17748b, 17751, 17755(3), and 17763(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.17707(5), 333.17739(2)(c), 333.17739a(3), 333.17741(1)-(2), 333.17743, 333.17748, 333.17748a, 333.17748b, 333.17751, 333.17755(3), and 333.17763(b); and Rules 338.473(2), 338.473a(5)(a), 338.477(1)-(2), 338.482(2)-(3); 338.486(1)(b), 338.486(3), 338.489(3), 338.490(3), 338.490(4)(a), 338.490(5), 338.3041(4), and 338.3162(1) of the Michigan Administrative Code.

12. This order is effective immediately and continues through May 19, 2020 at 11:59 p.m.

13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

14. Executive Order 2020-25 is rescinded.

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

Date: April 21, 2020

Time: 6:49 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 23, 2020, and read:

EXECUTIVE ORDER
No. 2020-57

Temporary expansions in unemployment eligibility and cost-sharing

Rescission of Executive Order 2020-24

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures to expand eligibility for unemployment benefits and cost-sharing with employers.

Executive Order 2020-10 took such action. Executive Order 2020-24 reaffirmed that action and clarified and strengthened its expansion of eligibility for unemployment benefits and cost-sharing with employers. This order continues the provisions of Executive Order 2020-24, and adds additional provisions to make it easier for employers and workers to implement and use shared-work plans, in order to avoid layoffs, and to allow certain retired state employees to return to service without losing access to pension payments. With this order, Executive Order 2020-24 is rescinded.

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

1. Strict compliance with subdivision (a) of subsection (1) of section 29 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended ("Employment Security Act"), MCL 421.29(1)(a), is temporarily suspended as follows:

(a) An individual must be considered to have left work involuntarily for medical reasons if that individual leaves work for any of the following reasons:

(1) The individual is under self-isolation or self-quarantine in response to elevated risk from COVID-19 due to being immuno-compromised.

(2) The individual has displayed at least one of the principal symptoms of COVID-19, which are a fever, atypical cough, and atypical shortness of breath.

(3) The individual has had contact in the last 14 days with someone with a confirmed diagnosis of COVID-19. Contact for the purposes of healthcare exposures is defined as follows: a) being within approximately 6 feet (2 meters) of a person with COVID-19 for a prolonged period of time, without appropriate personal protective equipment consistent with Department of Health and Human Services recommendations; or b) having unprotected direct contact with infectious secretions or excretions of the patient (e.g., being coughed on, touching used tissues with a bare hand).

(4) The individual is required to care for someone with a confirmed diagnosis of COVID-19.

(5) The individual has a family care responsibility as a result of a government directive.

(b) An individual may be deemed laid off if that individual became unemployed for any of the reasons identified in section 1(a)(1)-(5) of this order.

2. Strict compliance with subsection (3) of section 48 of the Employment Security Act, MCL 421.48(3), is temporarily suspended to allow an individual who is on a leave of absence for any of the reasons identified in paragraph 1(a)1-5 of this order to be considered to be unemployed unless that individual is already on sick leave or receives a disability benefit.

3. Strict compliance with subsections (4) through (7) of Rule 421.210 of the Michigan Administrative Code is temporarily suspended to allow a new or additional claim for unemployment benefits filed within 28 days of the last day the claimant worked to be considered to have been filed on time, and a continued claim filed within 28 days of the last day of the period for which the claimant is instructed to report and has continued to report in a claim series to be considered to have been filed on time.

4. Strict compliance with subsection (d) of section 27 of the Employment Security Act, MCL 421.27(d), is temporarily suspended such that each eligible individual who files a claim or has an active claim as of the effective date of this order will receive not more than 26 weeks of benefits payable in a benefit year.

5. In order to allow employers and workers more flexibility in the use of shared-work plans, strict compliance with several sections of the Employment Security Act are temporarily suspended, as follows:

(a) Strict compliance with subsections (1) and (2)(b) of section 28c, MCL 421.28c(1) and (2)(b), is temporarily suspended to the extent necessary to allow the Unemployment Insurance Agency to approve an employer's participation in a shared-work plan upon application by the employer, regardless of whether the employer has met the requirements of MCL 421.28c(1) and (2)(b).

(b) Strict compliance with subsection (2)(f) of section 28c, MCL 421.28c(2)(f), is temporarily suspended to allow an application for a shared-work plan to be approved without the employer's certification that implementation is in lieu of layoffs that would affect at least 15% of the employees in the affected unit and would result in an equivalent reduction in workers, provided that the application must contain a certification that it is in lieu of layoffs that would affect at least 10% of the employees and result in an equivalent reduction in work hours.

(c) Strict compliance with subsection (1)(b)(i) of section 28d, MCL 421.28d(1)(b)(i), is temporarily suspended to allow a shared-work plan to be approved whether or not it includes as a participating employee an employee who has been employed in the affected unit for less than three months before the date the employer applies for approval of the shared-work plan.

(d) Strict compliance with subsection (2)(a) of section 28d, MCL 421.28d(2)(a), is temporarily suspended to allow the reduction percentage of a shared-work plan to be less than 15% and more than 45%, provided that it shall be no less than 10% and no more than 60%.

6. Any benefit paid to a claimant who is laid off or placed on a leave of absence must not be charged to the account of the employer or employers that otherwise would have been charged but instead must be charged to the Unemployment Insurance Agency's non-chargeable account. Effective March 25, 2020 at 11:59 p.m., the benefits conferred on employers by this section are not available to employers determined to have misclassified workers.

7. Strict compliance with subdivision (a) of subsection (1) of section 28 of the Employment Security Act, MCL 421.28(1)(a), is temporarily suspended to the extent necessary to allow an unemployed individual to be eligible to receive benefits without a finding by the Unemployment Insurance Agency that the individual is actively engaged in seeking work.

8. Strict compliance with section 68c of the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.68c, is temporarily suspended to the extent necessary to provide that the provisions of that section do not apply to a retirant who becomes employed by the Unemployment Insurance Agency or by the Michigan Occupational Safety and Health Administration on or after the date of this order. If such retirant remains employed by either of these agencies after the expiration of this order, section 68c will again apply.

9. Strict compliance with subsection (5) of section 29 of the Employment Security Act, MCL 421.29(5), is temporarily suspended to the extent necessary to allow an individual to be considered to have met the requirements of MCL 421.29(5) regardless of whether the individual performed services for the new employer and regardless of whether the new employment was for permanent, full-time work. That individual is not disqualified from receiving unemployment benefits and any benefits payable are charged to the Unemployment Insurance Agency's non-chargeable benefits account.

10. Unless otherwise specified in this order, this order is effective retroactive to March 16, 2020. This order is effective immediately upon issuance and remains in effect during the declared states of emergency and disaster.

11. Executive Order 2020-24 is rescinded.

12. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: April 22, 2020

Time: 8:44 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 23, 2020, and read:

EXECUTIVE ORDER

No. 2020-58

Temporary suspension of certain timing requirements relating to the commencement of civil and probate actions and proceedings

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law."

MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial to limit in-person interaction and services as much as possible. Accordingly, on March 15 and 18, 2020, the Michigan Supreme Court issued Administrative Order Nos. 2020-1 and 2020-2, which, among other things, restricted operations in trial-level courts throughout the state and facilitated adjournment of pending matters. And on March 23, 2020, the Court issued Administrative Order No. 2020-3, which provided that any day falling within the declared emergency would not be counted for purpose of computing deadlines pertaining to case initiation and the filing of initial responsive pleadings in civil and probate cases.

These measures are well designed to protect both court staff and the public from the spread of COVID-19 without unduly sacrificing the proper administration of justice. In recognition of the important protections these measures provide to the health and safety of this state and its residents, it is reasonable and necessary to temporarily suspend and toll, for the duration of the declared states of emergency and disaster, all deadlines and related timing requirements applicable to the commencement of civil or probate actions and proceedings.

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

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-3, all deadlines applicable to the commencement of all civil and probate actions and proceedings, including but not limited to any deadline for the filing of an initial pleading and any statutory notice provision or other prerequisite related to the deadline for filing of such a pleading, are suspended as of March 10, 2020 and shall be tolled until the end of the declared states of disaster and emergency.

2. Consistent with Michigan Supreme Court Administrative Order No. 2020-3, this order does not prohibit or restrict a litigant from commencing an action or proceeding whenever the litigant may choose, nor does it suspend or toll any time period that must elapse before the commencement of an action or proceeding.

3. This order is effective immediately.

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

Date: April 22, 2020

Time: 8:45 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on April 24, 2020, and read:

EXECUTIVE ORDER

No. 2020-59

**Temporary requirement to suspend activities that
are not necessary to sustain or protect life**

Rescission of Executive Order 2020-42

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe, and then extended that order through April 30, 2020, with Executive Order 2020-42. The orders limited gatherings and travel, and required all workers who are not necessary to sustain or protect life to stay home.

The measures put in place by Executive Orders 2020-21 and 2020-42 have been effective: the number of new confirmed cases each day has started to drop. Although the virus remains aggressive and persistent—on April 23, 2020, Michigan reported 35,291 confirmed cases and 2,977 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We can now start the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. But in doing so, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone. Accordingly, with this order, I find it reasonable and necessary to reaffirm the measures set forth in Executive Order 2020-42, amend their scope, and extend their duration to May 15, 2020, unless modified earlier. With this order, Executive Order 2020-42 is rescinded.

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

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.

2. Subject to the exceptions in section 7 of this order, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.

3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances.

4. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life, to conduct minimum basic operations, or to perform a resumed activity within the meaning of this order.

(a) For purposes of this order, workers who are necessary to sustain or protect life are defined as “critical infrastructure workers,” as described in sections 8 and 9 of this order.

(b) For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work.

Any in-person work necessary to conduct minimum basic operations must be performed consistently with the social distancing practices and other mitigation measures described in section 11 of this order.

(c) Workers who perform resumed activities are defined in section 10 of this order.

5. Businesses and operations that employ critical infrastructure workers or workers who perform resumed activities may continue in-person operations, subject to the following conditions:

(a) Consistent with sections 8, 9, and 10 of this order, businesses and operations must determine which of their workers are critical infrastructure workers or workers who perform resumed activities and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work. Businesses and operations need not designate:

(1) Workers in health care and public health.

(2) Workers who perform necessary government activities, as described in section 6 of this order.

(3) Workers and volunteers described in section 9(d) of this order.

(b) In-person activities that are not necessary to sustain or protect life or to perform a resumed activity must be suspended.

(c) Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons, as described in section 11 of this order. Stores that are open for in-person sales must also adhere to the rules described in section 12 of this order.

(d) Any business or operation that employs workers who perform resumed activities under section 10(a) of this order, but that does not sell necessary supplies, may sell any goods through remote sales via delivery or at the curbside. Such a business or operation, however, must otherwise remain closed to the public.

6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to support those businesses and operations that are maintaining in-person activities under this order, are suspended.

(a) For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.

(b) Such activities also include, but are not limited to, public transit, trash pick-up and disposal (including recycling and composting), activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor activity permitted under this order.

(c) For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b) of this order. Workers performing such activities need not be designated.

(d) Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 11 of this order.

7. Exceptions.

(a) Individuals may leave their home or place of residence, and travel as necessary:

(1) To engage in outdoor recreational activity, consistent with remaining at least six feet from people from outside the individual's household. Outdoor recreational activity includes walking, hiking, running, cycling, boating, golfing, or other similar activity, as well as any comparable activity for those with limited mobility.

(2) To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) of this order may leave their home for work without being designated.)

(3) To conduct minimum basic operations, as described in section 4(b) of this order, after being designated to perform such work by their employers.

(4) To perform resumed activities, as described in section 10 of this order, after being designated to perform such work by their employers.

(5) To perform necessary government activities, as described in section 6 of this order.

(6) To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including in-person procedures or veterinary services that, in accordance with a duly implemented non-essential procedure or veterinary services postponement plan, have not been postponed).

(7) To obtain necessary services or supplies for themselves, their family or household members, their pets, and their motor vehicles.

(A) Individuals must secure such services or supplies via delivery to the maximum extent possible. As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences or motor vehicles.

- (B) Individuals may also leave the home to pick up or return a motor vehicle as permitted under section 9(i) of this order, or to have a motor vehicle or bicycle repaired or maintained.
- (C) Individuals should limit, to the maximum extent that is safe and feasible, the number of household members who leave the home for any errands.
- (8) To pick up non-necessary supplies at the curbside from a store that must otherwise remain closed to the public.
- (9) To care for a family member or a family member's pet in another household.
- (10) To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
- (11) To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.
- (12) To visit a child in out-of-home care, or to facilitate a visit between a parent and a child in out-of-home care, when there is agreement between the child placing agency, the parent, and the caregiver about a safe visitation plan, or when, failing such agreement, the individual secures an exception from the executive director of the Children's Services Agency.
- (13) To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
- (14) To work or volunteer for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
- (15) To attend a funeral, provided that no more than 10 people are in attendance.
- (16) To attend a meeting of an addiction recovery mutual aid society, provided that no more than 10 people are in attendance.
- (b) Individuals may also travel:
 - (1) To return to a home or place of residence from outside this state.
 - (2) To leave this state for a home or residence elsewhere.
 - (3) Between two residences in this state, including moving to a new residence.
 - (4) As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.
- (c) All other travel is prohibited, including all travel to vacation rentals.

8. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available here). This order does not adopt any subsequent guidance document released by this same agency.

Consistent with the March 19, 2020 guidance document, critical infrastructure workers include some workers in each of the following sectors:

- (a) Health care and public health.
- (b) Law enforcement, public safety, and first responders.
- (c) Food and agriculture.
- (d) Energy.
- (e) Water and wastewater.
- (f) Transportation and logistics.
- (g) Public works.
- (h) Communications and information technology, including news media.
- (i) Other community-based government operations and essential functions.
- (j) Critical manufacturing.
- (k) Hazardous materials.
- (l) Financial services.
- (m) Chemical supply chains and safety.
- (n) Defense industrial base.

9. For purposes of this order, critical infrastructure workers also include:

(a) Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers, workers who conduct minimum basic operations, workers who perform necessary government activities, or workers who perform resumed activities. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of such workers.

(b) Workers at suppliers, distribution centers, or service providers, as described below.

(1) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate another business's or operation's critical infrastructure work may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.

- (2) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the necessary work of suppliers, distribution centers, or service providers described in subprovision (1) of this subsection may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (3) Consistent with the scope of work permitted under subprovision (2) of this subsection, any suppliers, distribution centers, or service providers further down the supply chain whose continued operation is necessary to enable, support, or facilitate the necessary work of other suppliers, distribution centers, or service providers may likewise designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (4) Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.
 - (c) Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.
 - (d) Workers and volunteers for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
 - (e) Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.
 - (f) Workers at retail stores who sell groceries, medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of residences or motor vehicles, including convenience stores, pet supply stores, auto supplies and repair stores, hardware and home maintenance stores, and home appliance retailers.
 - (g) Workers at laundromats, coin laundries, and dry cleaners.
 - (h) Workers at hotels and motels, provided that the hotels or motels do not offer additional in-house amenities such as gyms, pools, spas, dining, entertainment facilities, meeting rooms, or like facilities.
 - (i) Workers at motor vehicle dealerships who are necessary to facilitate remote and electronic sales or leases, or to deliver motor vehicles to customers, provided that showrooms remain closed to in-person traffic.
10. For purposes of this order, workers who perform resumed activities are defined as follows:
- (a) Workers who process or fulfill remote orders for goods for delivery or curbside pick-up.
 - (b) Workers who perform bicycle maintenance or repair.
 - (c) Workers for garden stores, nurseries, and lawn care, pest control, and landscaping operations, subject to the enhanced social-distancing rules described in section 11(h) of this order.
 - (d) Maintenance workers and groundskeepers who are necessary to maintain the safety and sanitation of places of outdoor recreation not otherwise closed under Executive Order 2020-43 or any order that may follow from it, provided that the places and their workers do not provide goods, equipment, supplies, or services to individuals, and subject to the enhanced social-distancing rules described in section 11(h) of this order.
 - (e) Workers for moving or storage operations, subject to the enhanced social-distancing rules described in section 11(h) of this order.
11. Businesses, operations, and government agencies that remain open for in-person work must adhere to sound social distancing practices and measures, which include but are not limited to:
- (a) Developing a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available here. Such plan must be available at company headquarters or the worksite.
 - (b) Restricting the number of workers present on premises to no more than is strictly necessary to perform the in-person work permitted under this order.
 - (c) Promoting remote work to the fullest extent possible.
 - (d) Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible.
 - (e) Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
 - (f) Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.

- (g) Any other social distancing practices and mitigation measures recommended by the CDC.
- (h) For businesses and operations whose in-person work is permitted under sections 10(c) through 10(e) of this order, the following additional measures must also be taken:
- (1) Barring gatherings of any size in which people cannot maintain six feet of distance from one another.
 - (2) Limiting in-person interaction with clients and patrons to the maximum extent possible, and barring any such interaction in which people cannot maintain six feet of distance from one another.
 - (3) Providing personal protective equipment such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.
 - (4) Adopting protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning of tools, equipment, and frequently touched surfaces.
12. Any store that remains open for in-store sales under section 9(f) or section 10(c) of this order:
- (a) Must establish lines to regulate entry in accordance with subsection (b) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.
 - (b) Must adhere to the following restrictions:
 - (1) For stores of less than 50,000 square feet of customer floor space, must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal.
 - (2) For stores of more than 50,000 square feet, must:
 - (A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.
 - (B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.
 - (c) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.
 - (c) May continue to sell goods other than necessary supplies if the sale of such goods is in the ordinary course of business.
 - (d) Must consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.
13. No one shall rent a short-term vacation property except as necessary to assist in housing a health care professional aiding in the response to the COVID-19 pandemic or a volunteer who is aiding the same.
14. Michigan state parks remain open for day use, subject to any reductions in services and specific closures that, in the judgment of the director of the Department of Natural Resources, are necessary to minimize large gatherings and to prevent the spread of COVID-19.
15. Effective on April 26, 2020 at 11:59 p.m.:
- (a) Any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space.
 - (b) All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers.
 - (c) Supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers who interact with the public.
 - (d) The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, and any other protections against discrimination in Michigan law, apply in full force to persons who wear a mask under this order.
16. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and interactions. Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 20 of this order for allowing religious worship at such place. No individual is subject to penalty under section 20 of this order for violating section 15(a) of this order.
17. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.
18. This order takes effect immediately, unless otherwise specified in this order, and continues through May 15, 2020 at 11:59 p.m. Executive Order 2020-42 is rescinded. All references to that order in other executive orders, agency rules, letters of understanding, or other legal authorities shall be taken to refer to this order.
19. I will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, I will consider, among other things, (1) data on COVID-19

infections and the disease’s rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state’s capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.

20. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: April 24, 2020
Time: 11:00 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

April 24, 2020

Pursuant to HCR 20 I hereby announce the appointments of Senators to the Joint Select Committee on the COVID-19 Pandemic.

- 1. Senator Aric Nesbitt, Vice Chair
- 2. Senator Kim LaSata
- 3. Senator Wayne Schmidt
- 4. Senator Curtis Hertel
- 5. Senator Adam Hollier

If you have any questions regarding this matter do not hesitate to contact me.

Sincerely,
Mike Shirkey
Senate Majority Leader
Michigan’s 16th Senate District

The appointments were approved, a majority of the members serving voting therefor. The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Stamas introduced

Senate Joint Resolution N, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 3 and 7 of article VIII, to eliminate the state board of education.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations.

Senators McMorro, Polehanki, Bayer, Wojno, Bullock and Santana introduced

Senate Joint Resolution O, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 13, 14, 17, 20, and 21 of article IV, to provide for remote legislative meetings.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations.

Senator Lucido introduced

Senate Bill No. 861, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 2 (MCL 12.252), as amended by 2016 PA 193, and by adding section 3.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senator Lucido introduced

Senate Bill No. 862, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 11d (MCL 400.11d), as added by 1982 PA 519.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Lucido introduced

Senate Bill No. 863, entitled

A bill to amend 1846 RS 66, entitled “Of estates in dower, by the curtesy, and general provisions concerning real estate,” by amending section 34 (MCL 554.134), as amended by 2012 PA 140.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senator Lucido introduced

Senate Bill No. 864, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 2 (MCL 28.292), as amended by 2018 PA 669.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senator Lucido introduced

Senate Bill No. 865, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1746.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senator Hollier introduced

Senate Bill No. 866, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 5 (MCL 117.5), as amended by 2011 PA 133.

The bill was read a first and second time by title and referred to the Committee on Elections.

Senator Hollier introduced

Senate Bill No. 867, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 765, 765a, and 765b (MCL 168.765, 168.765a, and 168.765b), section 765 as amended by 2018 PA 603, section 765a as added by 2018 PA 123, and section 765b as added by 2018 PA 127.

The bill was read a first and second time by title and referred to the Committee on Elections.

Senator Schmidt introduced

Senate Bill No. 868, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2018 PA 211, and by adding section 3j; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 869, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8312 and 8317 (MCL 324.8312 and 324.8317), as amended by 2015 PA 118.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 870, entitled

A bill to amend 1984 PA 44, entitled “Motor fuels quality act,” by amending sections 3 and 9k (MCL 290.643 and 290.649k), section 3 as amended by 2008 PA 313 and section 9k as added by 2006 PA 104.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 871, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722a (MCL 257.722a), as amended by 1995 PA 248, and by adding section 722b.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 872, entitled

A bill to amend 1980 PA 119, entitled “Motor carrier fuel tax act,” by amending sections 5 and 7 (MCL 207.215 and 207.217), section 5 as amended by 2015 PA 178, and by adding section 7a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 873, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2019 PA 58, and by adding section 296a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 874, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 5740 and 5782.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 875, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1279g (MCL 380.1279g), as amended by 2016 PA 170, and by adding sections 1851b and 1851c.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 876, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 314 (MCL 257.314), as amended by 2011 PA 159, and by adding section 314c.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 877, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the

card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 2 (MCL 28.292), as amended by 2018 PA 669, and by adding section 2a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Schmidt introduced

Senate Bill No. 878, entitled

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 5 (MCL 28.305), as amended by 2018 PA 606, and by adding section 5a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 879, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3406o (MCL 500.3406o), as amended by 2016 PA 276, and by adding section 3406v.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 880, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16101 (MCL 333.16101) and by adding sections 16113 and 17715.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 881, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20910, 20921, 20954, 20958, and 20961 (MCL 333.20910, 333.20921, 333.20954, 333.20958, and 333.20961), section 20910 as amended by 2006 PA 582, section 20921 as amended by 2014 PA 413, section 20954 as amended by 2000 PA 375, section 20958 as amended by 2010 PA 304, and section 20961 as added by 1990 PA 179, and by adding section 20960.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 882, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20173a, 21564, 21911, 21913, and 22235 (MCL 333.20173a, 333.21564, 333.21911, 333.21913, and 333.22235), section 20173a as amended by 2017 PA 167, section 21564 as added by 1990 PA 252, sections 21911 and 21913 as added by 2017 PA 172, and section 22235 as amended by 2002 PA 619, and by adding sections 20173c, 21564a, 21914, and 22235a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 883, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 134a (MCL 330.1134a), as amended by 2014 PA 72, and by adding section 134b.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 884, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 34b (MCL 400.734b), as amended by 2018 PA 558, and by adding section 34d.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator MacGregor introduced

Senate Bill No. 885, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 5m and 7a (MCL 722.115m and 722.117a), as added by 2017 PA 258.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Horn introduced

Senate Bill No. 886, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 17, 27, 28, 28c, 29, and 48 (MCL 421.17, 421.27, 421.28, 421.28c, 421.29, and 421.48), sections 17 and 48 as amended by 2011 PA 269, section 27 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, and section 29 as amended by 2013 PA 146.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Stamas introduced

Senate Bill No. 887, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding sections 301a and 681a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Stamas introduced

Senate Bill No. 888, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 24 and 30 (MCL 205.24 and 205.30), section 24 as amended by 2003 PA 201 and section 30 as amended by 2016 PA 267.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Stamas introduced

Senate Bill No. 889, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding sections 40 and 80 to chapter 2.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senator Horn introduced

Senate Bill No. 890, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 231 (MCL 436.1231) and by adding section 231a.

The bill was read a first and second time by title and referred to the Committee on Government Operations.

Statements

Senators McBroom, Hollier, Irwin, Brinks, Ananich and Stamas asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McBroom's statement is as follows:

Today I feel like there's been a lot of unfortunately divisive and unnecessary personal remarks. I mentioned in my remarks earlier that all of us are entitled and bound by our oath to share our opinions—the opinions of those we represent—and we ought to be able to do so without derision and disrespect for each other. No member here should believe for a moment—and I don't—that any other member in this chamber or our Governor desires to see the end of representative democracy. I think we need to take that step back and recognize that we're not enemies, that we care about this state and the people. It's easy to cast aside our opponents in this debate as simply caring about power and politics and party, but I believe with every part of my being that for the colleagues I serve with and the Governor I serve with, that that is not true of any of us.

It's also true that no member can believe that those of us speaking today in support of limited executive power are not also experiencing the devastating impacts of death and fear. It's wrong to assume that we're not communicating with doctors and experts and hospitals, because we are. I had a conference call with every single hospital in the Upper Peninsula, with not just CEOs, not just the business end, but the medical boards, with the people who are giving this advice, and speaking to us. I didn't come here without communication with them, and let's remember that the Upper Peninsula is larger than five other states in our country. Have those experts that I speak to, are they calling for a change? Yes they are, and I've gotten more direct calls from them in the last week than I got from landscapers and gardeners. I'm a farmer. I'm farming with older parents and family members with lung problems. I'm sensitive to what's going on. I also recognize that my farm and agriculture in our nation are in a situation that stands to devastate the food supply for this country in a way that's far greater than our current, even most radical extrapolations of the disease. And it's not just "send us money." What are we going to do about food? We have to get a chance to speak on these things. We have to get a chance to be here and work on these issues together with the administration.

I got a call from a business owner who on Wednesday had one of his employees commit suicide. I spoke to a business owner yesterday in my district whose father died of COVID just on Monday. He went 30 days of a nightmare of his father dying of this disease and having to watch him die on a Zoom call. Yet, he said to me we've got to move forward with things. We can't continue to survive here in the Upper Peninsula under these current terms. Things have got to start changing, and our medical providers are saying we can manage this crisis. Give us back that power to do so.

I rise to say all of this because it's wrong for any of us to attack others' motives here today by just making assumptions and assuming that there's some sort of specific and evil intention in any of our hearts. I appreciate my colleagues. I appreciate what each of us is going through. We're all experiencing short tempers and things. We need to share some grace with each other today as well. I'll continue in my prayers for each and every one of you and for the people of this state today.

Senator Hollier's statement is as follows:

Colleagues, I'd like us to start to think about what comes next. Today we had an acrimonious session where we talked about the things of today. But the Legislature's real role is going to come over the next thirty, sixty, ninety days, or six months as we plan for how we rebuild. In that it's going to have to come to revenue. I represent communities from Detroit to Grosse Pointe that cannot under any circumstances manage their budgets the way they've gone. The economy has changed, the world has changed, and as we look forward we will have to explore creative solutions as we seek to balance this upcoming budget. As we seek to do all those kind of things and everything is going to have to be on the table. Particularly, new forms of revenue and giving our local communities increased flexibility to raise and spend dollars as we move forward.

I ask that we all come together in working with our federal partners to ensure that the stimulus dollars and the COVID dollars are given the maximum flexibility. It's important that we are all united on this front—that we say every single dollar that comes and is available to Michigan gets to the communities that needs them. Every single one of us represents a community like that. A community that has a budget, maybe had a surplus that doesn't anymore. Communities that are trying to fund critical and vital programs that we don't know how to do. Small business owners that don't know if they will ever be able to open up and over the next couple months and weeks, we as a body need to come together to work for solutions for them.

To do that, we will need to figure out ways to work remotely. We will need to figure out ways to improve technology into all of our systems to streamline, to save money, to do the kind of things that for whatever reason we weren't able to do. To take example from our courts. The state court system in Michigan is a national leader in using technology. In using Zoom meetings—Zoom for Government—to get administrative hearings going to continue the work that needs to be done. As a Legislature, we can follow suit. We can make sure our citizens have the greatest access to government because I don't know where you or your constituents fall on the "Stay Home, Stay Safe" order. I do know that the majority of Detroiters, even on a good day, couldn't drive up to Lansing to have their voices be heard. They couldn't get here to speak in front of you.

My colleague from the U.P. does an incredible job of doing video conferencing to ensure his constituents are able to participate in committee meetings. We need to make sure that is available across the board. That is what our challenges are going to be, how do we make sure our constituents voices are heard, that we raise the dollars necessary to ensure that we can continue the vital programming and that we present a united front to the national government as we talk about getting the most money into Michigan.

Senator Irwin's statement is as follows:

I want to reflect for just a moment on the words that the previous speaker just offered and say that I hope that when I leave this room, I can again access the hopefulness and that sort of bipartisanship and good faith would be in this room in the future.

But I didn't want to talk about that. I wanted to talk about some good news. Just last night—and we heard it in Messages from the Governor—there was Executive Order No. 2020-58. In this executive order, what the Governor did is she improved the pay for thousands and thousands of direct-care workers who are going into the homes of our neediest Michiganders. These are seniors and the disabled who are low on resources and depend on these direct-care workers to live a dignified life. These are our neighbors, these are our community members, and these people need support.

But this has been a crisis since before COVID-19 hit Michigan. It's been a struggle to find people who will do this intimate and difficult work before these workers were asked to risk their lives to help our needy neighbors. So I want to recognize and support what the Governor has done by offering a two dollar-an-hour raise to these workers. This is a small token of appreciation of the work that these heroes are doing to serve our most vulnerable people. I hope that when we come back to this Legislature and we start talking about the budget process, that the chair of the Appropriations Committee and the Majority Leader and all of my colleagues on the Appropriations Committee have heard so much from me about the importance of these direct-care workers, will see fit to continue to keeping these people on the job and continue supporting these people who provide critical care to our neighbors.

I just want to give kudos to the Governor for recognizing that at this time, if we're trying to make sure that this care is available; that this essential service can still be provided to our seniors and our disabled residents in need.

Senator Brinks' statement is as follows:

It is obvious that there are many things that divide us in this body and in this building however, I want to—before we all go back to our districts today—I wanted to take a moment to ask you to join me in thanking the many, many, of our constituents and Michiganders who are doing all that they can to help serve the people of our community in light of this virus outbreak.

I want to thank medical workers, doctors, nurses, all who support them to make their jobs possible whether they are in hospitals or in offices or other places. I want to thank caregivers who serve our elderly and our disabled people.

I want to thank farm workers, truck drivers, warehouse workers, food service workers, grocery store clerks, those who work with homeless people, police officers, firefighters, EMTs, and public works who keep our water on, and postal workers who deliver our mail, bus drivers, garbage collectors, teachers, and child care providers, who importantly have made it possible for so many of those people I just mentioned to go to work every day to serve us in the vulnerable people among us.

I want to thank the businesses for keeping people employed as long as possible and making sure that there are safe places and safety measures in place for them to work in a safe environment.

I also, importantly, want to acknowledge the debt of gratitude that we owe to all the families of those on the front lines.

Thank you to those who are answering the calls for help; to organizations and neighbors who are helping our fellow Michiganders with food, with financial assistance, with masks, or just checking in on others, their friends, their neighbors, and complete strangers.

It is times like these that we recognize the work of those who we often overlook or take for granted. Whatever our differences are in this chamber or in our approach to solving the problems brought to us by this pandemic, I hope that you will join me in expressing your gratitude for the incredible way that Michiganders have come together.

We know our state is strong and that we will get through this together; still there have been many, many, losses and there are surely more to come, unfortunately.

A moment of silence was observed in memory of the nearly 3,000 Michiganders who have died because of COVID-19.

Senator Ananich's statement is as follows:

Thank you, Mr. President, and, before I give my prepared remarks, I do think I have to say something. Last week, right in front of this building, we saw people exercising their constitutional right to protest. We saw individuals with swastikas and confederate flags and examples—whether people want to acknowledge them or not—of blocking hospitals. I had a conversation, as I do often, with my friend and colleague, the Majority Leader, and I commended him yesterday for his comments about the proper way to make sure individuals express their legitimate—in their minds—disagreements with how we operate as a state, and what to do and what not to do, and I think that was important. But I have to note that yesterday, in our great state and our city here, and I want to make sure you listen to my words—hopefully you're listening as I've listened to all of yours.

We had individuals in front of the home of the Governor of the state of Michigan. And, I'm using my terms very carefully as I think we all should, brandishing weapons. I support a person's right to bear arms, and I support a person's right to do that in a protest, as much as I think it might be dangerous. But brandishing and bearing arms are two different things. When you stand in front of a person's home with your hand on a trigger—whether you're responsible or you have other motives—is really dangerous. And I think, as we're looking at this time, this stressful time, this time when there's lots of disagreements across this country, and we're seeing folks stoking that flame, I think we've seen when you use symbols like swastikas or confederate flags—especially swastikas, especially for our state where we're seeing increased anti-Semitic behavior and actions against people, we all have a responsibility, and I said I commended my friend and colleague for his statements—I think we all have to tell people look you can have legitimate disagreements about what's going on in this country and what's going on in this state. But scaring teenage girls and potentially putting people at risk in their homes—it's just inappropriate. I think I have to say that and I wanted to make sure that I said that before I go to the rest of my comments.

You know, Mr. President, I want to recap. I feel that today was a day of obviously a lot of heated debate, and I feel like a lot of my colleagues do that many of the things that were done today were a stunt. It was politics. People are going to have debates about that, but I think we should ask ourselves "is anyone here who they think that our actions today made Michigan safer?" I do not. Because Michiganders do not want to die and as difficult as this spring has been, the people of this state understand that we need our Governor to be able to take certain steps to keep us safe. And if you know me, I think you know there's been no one with a more louder voice calling for oversight of these last eight years than me. More times than not, I've been at this podium or that podium, or the podium in the House, or in committees calling for oversight. For God's sake, I'm the guy from Flint after all. I've seen what happens when oversight doesn't exist. I've served with three colleagues in this room that I think provided a good framework of oversight in the Flint case. Unfortunately, very little to none of those recommendations ever came to fruition.

I will say one thing. Under the previous administration, the unemployment agency falsely accused tens of thousands of people of fraud. We're likely to be on the hook for a hundred million dollars in liability. Almost—well I won't say almost—no oversight of any real substance happened over that. As I mentioned during the actions when the emergency manager switched the water in my community. When people were crying out for help. When action after action refused to listen to science and to decency, almost no oversight at all till much, much later and still those actions were stymied at every step. And all we're really doing is undermining the Governor's efforts to keep us safe. This committee is not set up to stop or to make sure that people don't die. This committee is not set up to make sure that the federal government provides us the resources we need: testing, PPE, to make sure that we can go back to work. This committee is set up to protect one man, not the ten million citizens of Michigan, one man—the President of the United States' re-election chances. I think that is really a shame.

I'll close on this. Tomorrow is the sixth anniversary of the water switch in my community. It has been six years since the families of my community were poisoned by lead and their untreated water thanks to decisions made by reckless leaders who cared more about public relations and bottom lines than about the lives of Flint residents. Today, we are facing a new crisis but with different leadership—leadership that says protecting lives is worth these temporary inconveniences. This time is difficult for all of us, no doubt. But six years from now, we will be able to look back on what we did here today and say, "Did we do everything we could to keep people safe, healthy, and alive?"

Senator Stamas' statement is as follows:

I rise to just, frankly, thank the good Senator from the 27th District for his remarks regarding the Governor's incident yesterday. I strongly believe that we do have the right to demonstrate, that we have the right to let individuals know how we feel; but to take it to their personal homes, I believe, takes it too far.

I experienced this in my district with our former Attorney General. I spoke then, and I will defend that. I say today it goes too far. We have the people's building. We have the people's Capitol here. Taking it to each individual member's homes takes it to their family. It takes it to their neighbors. They didn't sign up for this. Us as individuals and representatives did. So, I thank the good Senator from the 27th District for speaking up today, and I acknowledge that.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Thursday, April 16, and are available on the Michigan Legislature website:

Senate Bill Nos. 854 855 856 857 858 859 860

House Bill Nos. 5704 5705 5706 5707 5708 5709 5710 5711 5712 5713

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 2:25 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, April 30, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

