

No. 51
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Wednesday, June 10, 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—present
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 Jim Stamas of the 36th District offered the following invocation:

Dear Lord, we thank You for this opportunity to gather. We thank You for the opportunity to come together. There are so many opportunities and so many directions that through Your guidance, through Your will, please enter each of our hearts. Let us know the right direction. Let us have the opportunity to make that difference for each of the families across the state. We ask that You be with those who call out your name, those who are in harm's way.
In Your name 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 Bullock entered the Senate Chamber.

Senator Chang moved that Senators Ananich and Geiss be temporarily excused from today's session. The motion prevailed.

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

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

Messages from the Governor

The following message from the Governor was received on June 10, 2020, and read:

EXECUTIVE ORDER
No. 2020-117

Expanding child care access during the COVID-19 pandemic

Rescission of Executive Order 2020-84

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.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of 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. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it 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).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA 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). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To respond effectively to the urgent and steep demands created by this pandemic, providers of health care, emergency medical services, law enforcement, and other essential services require child care services for their children, particularly when schools and summer camps are closed. Meeting this critical need requires swiftly but safely expanding access to child care services. To that end, I issued Executive Order 2020-84 because it was reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding child care services, and to facilitate the use of certain property for those services.

This order extends policies of Executive Order 2020-84 for an additional 28 days, 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 by expanding access to child care services. With this order, Executive Order 2020-84 is rescinded.

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

1. Strict compliance with section 7a of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.117a, is suspended as follows:

(a) A provisional license may be issued without submission to the Department of Licensing and Regulatory Affairs (“LARA”) of an acceptable plan to overcome the deficiency present in the child care organization within the time limitations of the provisional licensing period.

(b) A provisional license may be issued with an expiration date no earlier than one month after the date of issuance and no later than six months after the date of issuance, and may be renewed at the discretion of LARA until the end of the declared states of emergency and disaster.

2. Strict compliance with subsection (2) of section 5m of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.115m(2), is suspended, as follows:

(a) An employer may establish and maintain a disaster relief child care center without a license from LARA.

(b) A school district or a nonpublic school may establish and maintain a disaster relief child care center in a school building without a license from LARA.

3. LARA must issue rules and/or orders governing disaster relief child care centers.

(a) A disaster relief child care center must comply with the requirements imposed by any LARA rules and orders governing disaster relief child care centers.

(b) Such rules and/or orders must, at a minimum, require that disaster relief child care centers follow the safe sleep guidelines, including appropriate sleeping equipment for children under 12 months of age; follow applicable guidelines for diapering, handwashing, and sanitizing; provide porta-cribs, cots, or mats for children older than twelve months to sleep or rest; and solicit information about, and communicate with parents and guardians regarding, a child’s medicine, allergies, including food allergies; and other special needs.

4. Disaster relief child care centers may operate in any school facilities operated by a school district or nonpublic school that are closed and are approved for student use. Early childhood staff, student teachers, teachers, and individuals who provide before and after care may provide child care in these settings. The

Michigan Department of Education (“MDE”) is authorized to credit the hours that student teachers work toward teacher preparation graduation requirements and MDE licensure requirements.

5. Rule 400.8110(5) of the Michigan Administrative Code is suspended for disaster relief child care centers. Notice of any change in capacity and age groups must be provided to LARA.

6. Insofar as section 11 of the Emergency Management Act, MCL 30.411, remains in effect, a disaster relief child care center operated by a school district in accordance with section 2(b) of this order, including its employees, is designated as a disaster relief force under subsection (f) of section 2 of the Emergency Management Act, 1976 PA 390, as amended (“EMA”), MCL 30.402(f), and is entitled to the immunities set forth in subsections (1) through (3) of section 11 of the EMA, MCL 30.411(1)-(3).

7. Disaster relief child care centers operated by school districts constitute a pilot program under the Public Employment Relations Act, 1947 PA 336, MCL 423.201 *et seq.*, and they have authority to charge for reasonable and customary services.

8. School districts and nonpublic schools should first identify employees who voluntarily elect to become a disaster relief child care center participant before reassigning other employees to work in these centers, to the extent authorized under applicable contracts and laws. School districts and nonpublic schools may not require an employee to work in a disaster relief child care center if the employee: has a confirmed diagnosis of COVID-19; is displaying the symptoms of COVID-19; is 60 years or older; has an underlying condition that places the employee at an elevated risk of serious illness from COVID-19; or has been in contact with someone with a confirmed diagnosis of COVID-19 in the last 14 days.

9. A disaster relief child care center must perform a health evaluation of all individuals who enter the center each time the individual seeks to enter the center, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.

10. For purposes of this order:

(a) “Disaster relief child care center” means a child center offering child care pursuant to this order. A disaster relief child care center must give priority for its services to the essential workforce, but may also provide child care services to the general public as space and governing rules and/or orders permit.

(b) “Essential workforce” includes health care workers, home health workers, direct care workers, emergency medical service providers, first responders, law enforcement personnel, sanitation workers, child care workers (including any employees acting as child care workers in disaster relief child care centers), personnel providing correctional services, postal workers, public health employees, key government employees, court personnel, and others providing critical infrastructure to Michiganders, including any individuals performing (remotely or in person) critical infrastructure work, necessary government activities, or minimum basic operations under Executive Order 2020-42 or any order that may follow from it.

(c) “Critical infrastructure” includes utilities, manufacturing, mass transit, and groceries or other essential supplies, goods, or equipment.

(d) “Key government employees” includes child protective services workers, child welfare workers, foster care workers including those from contracted agencies, recipient rights workers, employees of the Executive Office of the governor, cabinet officers and their designees, Department of Health and Human Services field office staff, Unemployment Insurance Agency employees, and other employees identified by the Department of Technology, Management, and Budget.

11. Nothing in this order shall be construed to diminish or relax in any way the restrictions and requirements imposed by Executive Order 2020-115 or any order that may follow from it.

12. This order is effective immediately and continues through July 7, 2020.

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

14. Executive Order 2020-84 is rescinded.

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

Date: June 9, 2020

Time: 8:15 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.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Hertel and Stamas introduced

Senate Bill No. 963, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 365 (MCL 18.1365), as added by 2019 PA 160.

The bill was read a first and second time by title.

Senator MacGregor moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

Senators Wojno, Bayer, Polehanki, Brinks, McCann, Bullock, Chang, Santana and Hollier introduced

Senate Bill No. 964, entitled

A bill to amend 2011 PA 256, entitled “Michigan fireworks safety act,” by amending sections 7 and 12 (MCL 28.457 and 28.462), section 7 as amended by 2018 PA 635 and section 12 as amended by 2018 PA 634.

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

Senators Geiss, Brinks, Chang, Bullock, Polehanki, Ananich, Bayer and Irwin introduced

Senate Bill No. 965, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109n.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.

By unanimous consent the Senate returned to the order of
Resolutions

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

Senate Concurrent Resolution No. 27

The motion prevailed.

Senators Bullock, Geiss, Ananich, Hertel, Santana, Wojno, Alexander, McCann, Brinks, Moss, Irwin, McMorro, Polehanki, Bayer, Chang, Zorn and Hollier offered the following concurrent resolution:

Senate Concurrent Resolution No. 27.

A concurrent resolution to declare that racism is a public health crisis in the state of Michigan and commit the Legislature to action and collaboration with the Governor to promote racial equity and justice throughout the entire state of Michigan.

Whereas, Racism is rooted in the foundations of the United States. From the time chattel slavery began in the 1600s, to the Jim Crow era, to the mass incarceration of Black citizens, racism has remained an endemic presence in American society. While the manifestation of prejudice has undergone structural changes over time, the underlying problem remains. People of color have been disadvantaged and subjected to hardships and outright brutality since the founding of our nation; and

Whereas, The COVID-19 Pandemic has highlighted the stark racial injustices that are still present in American society. Black patients across the nation are dying in larger-than-expected, record numbers, and COVID-19 is killing Black people at 2.4 times the rate of White people. In Michigan, Black people make up less than 14 percent of the population, yet they account for 40 percent of the COVID-19 deaths in the state; and

Whereas, Black people are disproportionately suffering in part due to long-standing, unaddressed health disparities, as well as systematic racism and other socioeconomic inequities. The Black community experiences disproportionately higher rates of homelessness, incarceration, and economic hardships, which exacerbate existing health issues; and

Whereas, Michigan’s racist history has contributed to the current health disparities that Black Michigan residents experience. Discriminatory lending practices in the 20th century, known as redlining, created

segregated communities in Michigan. Black communities were limited to areas with restricted access to healthy foods, clean water, and other essential resources, leading to a variety of other health issues, including reduced life expectancy, higher rates of infant mortality, and higher rates of lead poisoning. In addition, Michigan institutions have demonstrated a disregard for Black lives, as was made evident by the Flint water crisis; and

Whereas, Governor Gretchen Whitmer, Lieutenant Governor Garlin Gilchrist and Michigan's Chief Medical Executive Dr. Joneigh Khaldun have all publicly condemned the racism embedded in every fabric of our culture, voiced support for peaceful protests to bring issues of racism and bigotry to the forefront, and recognized that racial inequities are directly linked to poor health outcomes in Black Americans; and

Whereas, Governor Whitmer signed Executive Order 2020-55 on April 20, 2020, which established the Michigan Coronavirus Task Force on Racial Disparities to examine factors that contribute to racial inequities and make policy recommendations on how to meaningfully address them; and

Whereas, The privileges that other Americans experience inhibit them from fully understanding how racism impacts citizens of color throughout the country, including here in Michigan. Tasks such as driving, walking, and simply breathing should not result in citizens of color living in constant fear of being harassed, arrested, shot, or killed as a result of racist policing; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we declare that racism is a public health crisis in the state of Michigan and we commit to working collaboratively with the Governor and every sector of society to develop an ongoing strategy to address, fund, and support solutions that strategically reduce the long-term impact that racism has on the quality of life and health for citizens of color in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Lieutenant Governor, the Chief Medical Executive for the Michigan Department of Health and Human Services, and the Director of the Michigan Department of Health and Human Services.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Geiss entered the Senate Chamber.

By unanimous consent the Senate returned 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 Daley 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 and joint resolution:

House Bill No. 5412, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3476 (MCL 500.3476), as amended by 2017 PA 223.

House Bill No. 5413, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401k (MCL 550.1401k), as added by 2012 PA 214.

House Bill No. 5414, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100c and 100d (MCL 330.1100c and 330.1100d), section 100c as amended by 2016 PA 320 and section 100d as amended by 2015 PA 59.

House Bill No. 5415, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 105g.

House Bill No. 5416, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 105g.

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 11 of article I, to require the government to obtain a search warrant in order to access a person’s electronic data or electronic communication.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4449, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3107b (MCL 500.3107b), as amended by 2014 PA 263.

Substitute (S-2)

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5141, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 765 and 765a (MCL 168.765 and 168.765a), section 765 as amended by 2018 PA 603 and section 765a as added by 2018 PA 123, and by adding section 764d.

Substitute (S-5)

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 6, line 14, after “act.” by inserting “**In addition, this section does not provide any additional duties or responsibilities for the secretary of state for conducting elections under this act.**”.

The Senate agreed to the substitute as amended recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Senator Ananich entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5141

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 5313

House Bill No. 5195

Senate Bill No. 942

House Bill No. 5141

The motion prevailed.

The following bill was read a third time:

House Bill No. 5313, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2019 PA 88.

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. 166

Yeas—28

Ananich	Hollier	MacGregor	Schmidt
Barrett	Horn	McBroom	Shirkey
Bizon	Johnson	McCann	Stamas
Brinks	LaSata	Nesbitt	Theis
Bumstead	Lauwers	Outman	VanderWall
Daley	Lucido	Runestad	Victory
Hertel	MacDonald	Santana	Zorn

Nays—10

Alexander	Chang	McMorrow	Polehanki
Bayer	Geiss	Moss	Wojno
Bullock	Irwin		

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5195, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 809 (MCL 257.809), as amended by 2019 PA 88.

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. 167

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 942, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 205, 233, 609d, and 1014 (MCL 436.1205, 436.1233, 436.1609d, and 436.2014), section 205 as amended by 2015

PA 246, section 609d as added by 2020 PA 26, and section 1014 as added by 2015 PA 47, and by adding sections 537a, 538, and 551.

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. 168

Yeas—37

Alexander	Geiss	MacDonald	Santana
Ananich	Hertel	MacGregor	Schmidt
Barrett	Hollier	McCann	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bullock	LaSata	Outman	Victory
Bumstead	Lauwers	Polehanki	Wojno
Chang	Lucido	Runestad	Zorn
Daley			

Nays—1

McBroom

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5141, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 765 and 765a (MCL 168.765 and 168.765a), section 765 as amended by 2018 PA 603 and section 765a as added by 2018 PA 123, and by adding section 764d.

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. 169

Yeas—36

Alexander	Daley	MacDonald	Santana
Ananich	Geiss	MacGregor	Schmidt
Barrett	Hertel	McBroom	Shirkey
Bayer	Hollier	McCann	Stamas
Bizon	Horn	McMorrow	Theis
Brinks	Irwin	Moss	VanderWall
Bullock	LaSata	Nesbitt	Victory
Bumstead	Lauwers	Outman	Wojno
Chang	Lucido	Polehanki	Zorn

Nays—2

Johnson

Runestad

Excused—0**Not Voting—0****In The Chair: President**

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to guard appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Bayer’s statement is as follows:

I’d like to give my statement of support to our colleague from the 4th District’s resolution, Senate Concurrent Resolution No. 27. I support declaring racism a public health crisis. When my husband suffered a stroke, I didn’t think for even a minute about our ability to get adequate, appropriate care for him. I didn’t think about his symptoms being dismissed by doctors and nurses, or that he wouldn’t get proper care, or that someone might just give him a pain pill and tell him to go home, which would have killed him. When he was sent home I went to the drugstore to pick up his medicine. I didn’t have to think about the looks I’d receive about why I was there or worry about someone following me around to see what I was doing.

Whether we realize it or not, these everyday thoughts and actions—the many, many things that we do every day without even thinking about it—this is white privilege. This is part of why I’m standing here in strong support of declaring racism a public health crisis. Last week in fact, the Michigan Primary Care Association issued a statement acknowledging that racism is a public health crisis. In it, they said, “The racism at the root of police violence against Black people is the same racism at the root of many health inequities people of color face—and that our health centers see reflected in their patients every day.” It is tragic that we have gotten to the year 2020 and are still having to talk about systemic racism as though the civil rights era never happened. As Ta-Nehisi Coates wrote, “An America that looks away is ignoring not just the sins of the past, but the sins of the present and the certain sins of future.”

My colleagues, black and brown Americans are asking us—asking white people particularly—to reflect on the murders of George Floyd, Breonna Taylor, Tamir Rice, and others; to stop looking away, to stop ignoring the sins of the past and the present; to reflect and show our force of character, have these difficult conversations amongst our friends and family. Black people don’t need us to talk to them about racism. We, white people, need to have this conversation. I ran for office because I believe in acting on and addressing real problems and I believe that together, we can make this difference. So to all of my colleagues who have spoken so eloquently about systemic racism over the last few weeks: I hear you, I see you, and you have my commitment to do whatever is necessary and just so that we can build a better tomorrow.

Senator Hertel's statement is as follows:

I rise to offer my support and to ask the majority to take up Senate Concurrent Resolution No. 27 declaring racism a public health crisis in Michigan. First, I'd like to offer a quote by Rev. Nancy McDonald Ladd:

When we say, "Save the rainforest," we don't mean that we cease to honor the mighty cedars or the reaching pines. We mean that one particular piece of a deeply sacred whole is more at risk than others, and that this risk—this threat—is worthy of our very bravest actions. So it is with black lives in this country, and the message that black lives matter is important so long as this nation effectively functions as if they do not.

Colleagues, it is time for this body to say two simple but undeniable truths—black lives matter, and racism is a public health crisis. Racism is a longstanding, systemic structure in this country that must be dismantled through brutally honest conversations, policy changes, and practices. There are structural inequalities in nearly all aspects of life. From the economy to housing to our health care delivery systems, there is clear evidence of racial disparities. We know that the black community experiences disproportionately higher rates of homelessness, incarceration, and economic hardship that dramatically increases stress and impacts health. We've seen study after study documenting how racial discrimination impedes equal access to stable housing, health care, and other social services that have an impact on health.

Even in our capital city—the people's city—our history is plagued with racism. Just one example is the construction of Interstate 496 which many of you drive on every day as you come to session. It began to be built in 1963. By the time the project was finished in 1970, more than 840 homes and businesses in the heart of Lansing's St. Joe-Main Street neighborhood, the largest African American neighborhood, had been demolished. The neighborhood is remembered fondly by people who lived there as a neighborhood where the social fabric was tight-knit and where folks didn't have to lock their doors. But because no one in power cared, an entire community was bulldozed and demolished. And what was left was a social construct that left an entire community in ruins.

In the midst of our current pandemic, we see disproportionate health outcomes even more clearly. COVID infection rates are five times higher in majority-minority zip codes than in white neighborhoods. While African Americans only represent 14 percent of Michigan's population, they represent a staggering 40 percent of the deaths from COVID-19. We didn't need COVID-19 to tell us that black Michiganders have worse health outcomes than white Michiganders, but the evidence is stark. I've heard the talking point that COVID only affects those with pre-existing conditions. Unfortunately for many, being black in America is a pre-existing condition. African American Michiganders experience higher rates of asthma, heart disease, and fatality rates from prostate cancer and colon cancer. The disparities are wide-ranging and show up everywhere we can see it.

Colleagues, we often are too comfortable with our privilege. We have fancy titles, and those of you who look like me, who love someone of the other gender like me, and those of us who were born of the gender they identify with like me have a special kind of privilege, and we must use that privilege to end that privilege. That is how our world heals. And you might say, I have black friends, that members of my family are black, and that I don't see color. Well, that is little comfort to George Floyd, or Breonna Taylor, or Botham Jean, or Ahmaud Arbery, or Trayvon Martin, or Sandra Bland, or Fred Temple, or Aubrey Pollard. The list is so long, I would need much more five minutes allotted to Statements to give it. They deserve justice, they deserve action, and in their names and countless others, they deserve our declaration of racism as a public health crisis. We must use our breath to speak out because their breath was stolen from them. Black lives matter. Period.

Senator Bullock's statement is as follows:

Colleagues, I rise to just claim another small step in the pandemic of racism with Senate Concurrent Resolution No. 27. We all watched as black and brown communities disproportionately were contracting and dying from the COVID-19 virus. The overall questions were why? How? The common response was pre-existing conditions—diabetes, high blood pressure, heart disease—the gamut of conditions due to the lack of stable health care. So much so, the state of Michigan initiated a Coronavirus Task Force on Racial Disparities, with leaders and elected officials to address this assessment. Addressing when we say pre-existing conditions, we are talking about one's history. Well, that evolves from the history of America and black America and racism's impact on our black and brown communities. Those communities all share common social and economic factors designed by systematic racism, social determinants of health already in place before this pandemic. These factors increase black peoples' risk of COVID-19—living in crowded housing, it impacts our childhood, our upbringing living in public and segregated housing, predatory housing practices such as the GI bill, and redlining. The reality is there is no safe way to social distance in black and brown communities.

We work low or minimum wage, frontline jobs which are basically the essential jobs first—the bus driver, the fast food worker, the nurse. We have inconsistent access to health care. We either have no or public health insurance, a provider who dismisses us with implicit bias, little mental health or social service support, chronic health conditions from all forms of discriminatory policies that contribute to our neglected neighborhoods, pollution, lack of nutrition from no grocery stores and such. We are stressed daily just living in our black skin. Through dismantled education we literally in this state have a lawsuit for literacy. Household income inequality, discrimination, subtle racism, daily violence, inhumane police interaction, and police brutality. And let's not forget the actual judicial system. This all narrows down to one single factor, the number one. I say the only pre-existing condition that truly impacts black people and their health is racism. Racism led to those social determinants of health. Racism led to police brutality and profiling. Racism led to redlining. Redlining is the systematic tool to deny various services by federal government agencies, local governments, as well as the private sector. Neighborhoods with a high proportion of minority residents are more likely to be redlined than other neighborhoods with similar household income, housing age and type, and other determinants of risk but different racial comparisons. You can put two adjacent neighborhoods together and one neighborhood probably has a 15-year longer lifespan than the other neighborhood just based on these racist factors.

These communities are all undeniably where the COVID hotspots are. Where you live matters to your health and racism can only be solved through social justice. Police and justice reform to place us on a path of healing and unity. COVID put the world, America, and Michigan on pause to put racism and police brutality on trial publicly for the world to see what we have been detailing and expressing for generations. I dare not read the names of the martyrs that would emphatically give testimony to this resolution, however they are no longer here and it would take an additional 8 minutes and 46 seconds to recite them. Black lives matter. This doesn't mean all lives don't matter. They do, it just means black lives are constantly under threat and we deserve the same rights you do.

Michigan's top health official, Dr. Khaldun, stated that the use of data to show racism is a public health crisis, so help us address the public health pandemic of racism. Help us take on hate. Senate Concurrent Resolution No. 27 should be passed unanimously, bicameral and bipartisan.

Senator Santana's statement is as follows:

Change is on the way whether you choose to accept it or not.

A careful observation of the protestors will immediately bring to your attention that they are not angry black senior citizens singing Negro spirituals and being led on a march by the NAACP. In fact, these protestors are the complete opposite. These protestors grew up in your community. They listened to conversations at your kitchen tables in your subdivisions and they graduated from your high schools and they left home and they went to college and realized that the world is a much bigger place. Now, they're back to challenge the outdated thinking that is forced unto them. These protestors are largely white, in their 20s, they vote, they understand how government works and doesn't work. They view the world differently and they are not afraid to challenge the system. They are ones carrying 'black lives matter' signs. This is our moment to create a systematic change related to racial disparities and policies if there is a genuine desire to do so.

Last week, I stood here united with my colleague from the 22nd District to denounce destruction of property by rioters. We also voted on Senate Bill No. 945 to improve the training for our law enforcement community. These were great steps towards progress, unity, and understanding, but we have a larger journey ahead of us.

As we advance progress, I want to alert you to a fatal flaw. In the weeks to come, high-level leadership will have a special announcement in Detroit we call the 'okeedoke.' The 'okeedoke' works like this—1) a task force, commission, or special committee will be formed to address the current problems in our society; 2) the same people who always get appointed to these boards will get appointed to this board; 3) they will write a report away from the public eye; and 4) a report will be released and a press conference held. Everyone feels good, and nothing changes.

So before all of that happens, let me tell you what we don't need. Let me tell you what the protestors are not asking for. We don't need a special committee to review the study of racial disparities if you need to understand what's going on.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, June 9 and are available on the Michigan Legislature website:

Senate Bill No. 962
House Bill No. 5841

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Elections submitted the following:

Meeting held on Tuesday, June 9, 2020, at 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), McBroom, Lucido, VanderWall and Wojno

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, June 9, 2020, at 2:00 p.m., Room S403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

Scheduled Meetings

Advice and Consent - Thursday, June 11, 12:00 noon, Room S403, 4th Floor, Capitol Building (517) 373-5314

COVID-19 Pandemic Joint Select - Thursday, June 11, 8:15 a.m., Room 519, Anderson House Office Building, (517) 373-5795

Health Policy and Human Services - Thursday, June 11, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower, (517) 373-5323

Judiciary and Public Safety - Thursday, June 11, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

Natural Resources - Thursday, June 11, 8:30 a.m., Room S403, 4th Floor, Capitol Building (517) 373-5312

State Drug Treatment Court Advisory Committee - Tuesday, June 23, 1:30 p.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-0212

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, June 11, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate