

No. 77  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
REGULAR SESSION OF 2020

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Senate Chamber, Lansing, Tuesday, October 6, 2020.

10:00 a.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

**Messages from the Governor**

The following messages from the Governor were received:

Date: October 1, 2020  
Time: 11:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 384 (Public Act No. 175), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 464b.

(Filed with the Secretary of State on October 1, 2020, at 12:14 p.m.)

Date: October 1, 2020  
Time: 11:17 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 385 (Public Act No. 176), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 465 (MCL 750.465).

(Filed with the Secretary of State on October 1, 2020, at 12:16 p.m.)

Respectfully,  
Gretchen Whitmer  
Governor

The following message from the Governor was received on October 2, 2020, and read:

EXECUTIVE ORDER  
No. 2020-192

**Moving Region 8 to Phase 4 of the MI Safe Start Plan**

This order moves Region 8 of Michigan, comprising the Upper Peninsula, to Phase 4 of the MI Safe Start Plan. For March, April, and the first part of June, Region 8 had some of Michigan’s lowest COVID-19 case rates, percent positivity, and mortality rates. Beginning in mid-June, case rates began to slowly climb and remain at an elevated level through the middle of September, when they began to sharply rise. For the past few weeks, the case rates in many counties in Region 8 have been among the highest in the state. Positivity has also been rising despite increased testing numbers, which indicates significant spread of infection. For example, looking back 7 days to take into account data lag, Houghton County is reporting 612.9 absolute cases per million; Menominee County is reporting 455.0 absolute cases per million; Delta County is reporting 675.0 absolute cases per million; and Mackinac County is reporting 79.2 absolute cases per million. The statewide case rate is 75.9 absolute cases per million.

To address this climb, we must heighten our vigilance and strengthen our efforts to mitigate the virus’s spread in this region. Accordingly, I find that it is reasonable and necessary to move Region 8 into Phase 4, where a majority of the state currently stands. This move will take effect on October 9, 2020, to give businesses, schools, and individuals in that region ample time to prepare and adjust, but I urge everyone to make this transition as swiftly as possible. Region 6, which has not displayed a comparable climb at this time, remains in Phase 5.

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Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order the following amendments to Executive Order 2020-183 (Safe Start) and Executive Order 2020-184 (Safeguards to protect Michigan’s workers from COVID-19). While Executive Order 2020-142 (Provision of preK–12 education for the 2020–2021 school year, as amended by Executive Order 2020-185) does not require amendment, the move of Region 8 to Phase 4 impacts the policies and procedures that schools in that region must follow under the terms of that order.

1. **Amendments to Executive Order 2020-183.** Executive Order 2020-183 is amended as follows:

(a) Section 1 is amended to provide: **“Remote work.** Except in Region 6, any work capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) must be performed remotely. Although not required, in Region 6, any work capable of being performed remotely should be performed remotely.”

(b) Section 6(b)(1) is amended to provide: “In cases where the gathering or event occurs in a venue with fixed seating, limit attendance to 20% of seating capacity (or 25% of seating capacity in Region 6);”

(c) Section 6(b)(2) is amended to provide: “Otherwise, limit attendance to 20 people per 1,000 square feet of venue space, including no more than 20 people per 1,000 square feet in each room (or 25 people per 1,000 square feet in Region 6);”

2. **Amendment to Executive Order 2020-184.** Section 6(c) of Executive Order 2020-184 is amended to provide: “Except in Region 6, adhere to the following restrictions:”

3. This order is effective October 9, 2020 at 12:01 a.m.

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

Date: October 2, 2020  
Time: 2:55 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.

**Announcements of Printing and Enrollment**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 5, for her approval the following bills:

- Enrolled Senate Bill No. 132 at 11:22 a.m.**
- Enrolled Senate Bill No. 432 at 11:24 a.m.**

Enrolled Senate Bill No. 435 at 11:26 a.m.  
 Enrolled Senate Bill No. 665 at 11:28 a.m.  
 Enrolled Senate Bill No. 321 at 11:30 a.m.  
 Enrolled Senate Bill No. 493 at 11:32 a.m.  
 Enrolled Senate Bill No. 494 at 11:34 a.m.  
 Enrolled Senate Bill No. 659 at 11:36 a.m.  
 Enrolled Senate Bill No. 852 at 11:38 a.m.  
 Enrolled Senate Bill No. 1066 at 11:40 a.m.  
 Enrolled Senate Bill No. 1067 at 11:42 a.m.  
 Enrolled Senate Bill No. 1068 at 11:44 a.m.  
 Enrolled Senate Bill No. 1069 at 11:46 a.m.  
 Enrolled Senate Bill No. 1070 at 11:48 a.m.  
 Enrolled Senate Bill No. 1071 at 11:50 a.m.  
 Enrolled Senate Bill No. 1080 at 11:52 a.m.  
 Enrolled Senate Bill No. 1103 at 11:54 a.m.  
 Enrolled Senate Bill No. 757 at 3:40 p.m.  
 Enrolled Senate Bill No. 977 at 3:42 p.m.

The Secretary announced that the following bills, joint resolution, and resolution were printed and filed on Thursday, October 1, and are available on the Michigan Legislature website:

Senate Bill Nos. 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172  
 1173 1174 1175 1176 1177 1178 1179 1180  
 Senate Joint Resolution Q  
 Senate Resolution No. 146

**Committee Reports**

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 895, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1473.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Peter J. Lucido  
 Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson and Runestad

Nays: Senator Irwin

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1046, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 9c and 9f of chapter IV (MCL 764.9c and 764.9f), section 9c of chapter IV as amended by 2001 PA 208 and section 9f of chapter IV as amended by 1999 PA 76.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

Peter J. Lucido  
 Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1047, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 9e of chapter IV (MCL 764.9e) and by adding section 10d to chapter II, sections 3, 3a, and 6f to chapter IV, and section 6e to chapter V.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

Peter J. Lucido  
 Chairperson

## To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1048, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 5 and 34 of chapter IX (MCL 769.5 and 769.34), section 5 of chapter IX as amended by 2015 PA 216 and section 34 of chapter IX as amended by 2002 PA 666.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Peter J. Lucido

Chairperson

## To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1049, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2019 PA 100.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Peter J. Lucido

Chairperson

## To Report Out:

Yeas: Senators Lucido, VanderWall, Chang and Irwin

Nays: Senator Barrett

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1050, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2, 2a, 3, 4, and 4b of chapter XI (MCL 771.2, 771.2a, 771.3, 771.4, and 771.4b), section 2 of chapter XI as amended by 2017 PA 10, section 2a of chapter XI as amended by 2006 PA 507, section 3 of chapter XI as amended by 2012 PA 612, section 4 of chapter XI as amended by 1998 PA 520, and section 4b of chapter XI as added by 2017 PA 9.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Peter J. Lucido

Chairperson

## To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1051, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2012 PA 623.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Peter J. Lucido

Chairperson

## To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**Senate Bill No. 1125, entitled**

A bill to amend 2003 PA 125, entitled “Local corrections officers training act,” by amending section 8 (MCL 791.538).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**House Bill No. 4045, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 19 of chapter XVI (MCL 776.19).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**House Bill No. 4923, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16u of chapter XVII (MCL 777.16u), as amended by 2000 PA 279.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

**House Bill No. 4924, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 421d.

With the recommendation that the bill pass.

Peter J. Lucido  
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Human Services reported

**Senate Concurrent Resolution No. 32.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to allow employees to disenroll from dependent care flexible spending accounts and withdraw unused funds.

(For text of resolution, see Senate Journal No. 75, p. 2063.)

With the recommendation that the concurrent resolution be adopted.

Curtis S. VanderWall  
Chairperson

**To Report Out:**

Yeas: Senators VanderWall, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

The concurrent resolution was placed on the order of Resolutions.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, October 1, 2020, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators VanderWall (C), Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Excused: Senator Bizon

**COMMITTEE ATTENDANCE REPORT**

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, October 1, 2020, at 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Horn (C), VanderWall, MacGregor, Lauwers, Schmidt, LaSata, McMorrows, Geiss and Moss

**Scheduled Meetings**

**Finance** - Wednesday, October 7, 1:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

**Health Policy and Human Services** - Wednesday, October 7, 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

**Judiciary and Public Safety** – Wednesday, October 7, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

**Oversight** – Wednesday, October 7, 12:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5312

In the absence of all Senators, pursuant to Joint Rule 15, the Secretary of the Senate adjourned the Senate, the time being 10:01 a.m.

The Secretary of the Senate declared the Senate adjourned until Wednesday, October 7, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate