

**No. 43**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**100th Legislature**  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Wednesday, May 20, 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—excused  
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—excused  
Theis—present  
VanderWall—present  
Victory—present  
Wojno—present  
Zorn—present

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

Dear Father, we come to you this morning and praise You for Your holiness, Your mercy, Your forgiveness of Your people. Your plan of salvation, Your amazing way of working all things together for good. And Father, we pray, that in the midst of this crisis, that You'd be merciful to us, not out of our deserving, but out of Your goodness. Not because we've earned anything, but because of Your grace. Father, I pray that You would have mercy on the people of this state, and on this nation, and of this world right now, facing this disease, the fear, the uncertainty. Father, we need You, we need Your hand of healing. Father, we pray for that hand of healing on all that we do here, not just on this disease, but on our ability to communicate with each other, to trust each other, to work for the benefit of the people of this state. Father, I pray that You would forgive each of us for our propensity for anger, and ill-will toward each other. Father, I pray You forgive me. Help us each to show love to one another.

Father, I pray for our Governor, for our President, for our leadership here in the Legislature, that You would bless each of them with special wisdom, with Your wisdom, that You've promised to give when we ask. I pray all these things in Jesus' name. Amen.

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

### **Motions and Communications**

Senator Ananich entered the Senate Chamber.

Senator MacGregor moved that Senators MacDonald and Stamas be 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.

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.

### **Messages from the Governor**

The following message from the Governor was received on May 19, 2020, and read:

#### **EXECUTIVE ORDER No. 2020-93**

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

#### **Rescission of Executive Order 2020-56**

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.

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. Executive Order 2020-56 extended its duration. This order extends its duration further, 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 2020-56 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 June 16, 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 2020-56 is rescinded.

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

Date: May 19, 2020

Time: 11:56 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 May 20, 2020, and read:

**EXECUTIVE ORDER**  
No. 2020-94

**Declaration of State of Emergency**

Over the past several days parts of Michigan have experienced heavy rainfall. As a result, the Edenville and Sanford Dam structures along the Tittabawassee River in the county of Midland have failed. Residents in Edenville, the village of Sanford, and parts of the city of Midland, among other areas, are evacuating in the face of a rising surge.

In response, the city of Midland and the county of Midland have taken several actions that include declaring a local state of emergency; activating disaster response and recovery operations; evacuating and providing shelter to affected residents; and issuing emergency public information. The assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert more severe and lasting harm to the community.

Despite these measures, local resources are insufficient to respond to the extreme flooding under the current conditions. State assistance and other outside resources are necessary to effectively respond to, and recover from, the impacts of flooding.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), “[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists.” Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared for the city of Midland and the county of Midland.

2. Any emergency order issued in response to the COVID-19 crisis is temporarily suspended to the extent such order impedes the emergency response effort under this declaration.

3. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and augment all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than June 16, 2020, unless extended as provided by 1976 Public Act 390, as amended.

Date: May 19, 2020

Time: 9:50 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

### Third Reading of Bills

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

#### **Senate Bill No. 630**

The motion prevailed.

The following bill was read a third time:

#### **Senate Bill No. 630, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16111, 16333, 17705, 17706, 17707, 17709, 17722, 17742, 17748, 17767, and 17768 (MCL 333.16111, 333.16333, 333.17705, 333.17706, 333.17707, 333.17709, 333.17722, 333.17742, 333.17748, 333.17767, and 333.17768), section 16111 as amended by 2006 PA 392, section 16333 as amended by 2014 PA 285, section 17705 as amended by 1986 PA 304, section 17706 as amended by 2014 PA 280, sections 17707, 17709, 17722, 17742, 17748, and 17768 as amended by 2020 PA 4, and section 17767 as amended by 1993 PA 79, and by adding sections 17748e and 17748f.

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. 149**

#### **Yeas—36**

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

**Nays—0**

**Excused—2**

MacDonald

Stamas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 116**

**Senate Resolution No. 118**

**Senate Resolution No. 119**

**Senate Resolution No. 120**

**Senate Concurrent Resolution No. 26**

The motion prevailed.

Senator Geiss offered the following resolution:

**Senate Resolution No. 116.**

A resolution to censure Senator Dale Zorn of the Seventeenth Senate District.

Whereas, Senator Dale Zorn knowingly and willingly adorned a facemask with a Confederate flag pattern during the Senate session held on April 24, 2020. Further, Senator Zorn issued an apology which demonstrated a lack of appreciation for the seriousness of his actions and the deeply shameful history that flag represents; and

Whereas, The Confederate flag is symbol of immense hatred which seeks to celebrate the most disgraceful aspects of our nation's history. The flag was first used as a banner and emblem for those who fought to maintain a system where humans were owned by other humans — a system of slavery. In the years after the Civil War, the flag was — and continues to be — used to intimidate, harass, and terrorize black people and their communities; and

Whereas, Proudly wearing a Confederate flag is a direct affront to the one in seven Michiganders who are of African descent. A symbol of white supremacy has no place in a legislative body that is constitutionally obligated to make laws that provide for the equal protection of people of all races; and

Whereas, Adorning a Confederate flag dishonors the memory of the brave Michiganders who fought and died to end slavery and who have continued to make sacrifices for civil rights in the century and a half since. Michiganders have given their lives and risked everything to defeat the system and the ideas that the Confederate flag represents. Wearing it on the floor of the Senate demonstrates a lack of proper respect for their memory; and

Whereas, Rule 1.301 of the Standing Rules of the Senate provides:

Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.

; and

Whereas, Rule 1.311 of the Standing Rules of the Senate provides, in part:

A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled.

; and

Whereas, Senator Zorn failed to meet the high standards of conduct expected of his office by the people of Michigan. His decision to wear a facemask adorned with a Confederate flag represents, whether intended or not, contempt for members and staff of this legislative body and the people we represent. Symbols of hatred which dishonor our history and are designed to terrorize black people have no place in the Senate; and

Whereas, This legislative body must send a clear message that hatred and white supremacy are unwelcome in this chamber and in our state. We cannot make progress or change by ignoring issues of race or by tolerating examples of hatred — whether overt, covert, by microaggression, or by accident; now, therefore, be it

Resolved by the Senate, That Senator Dale Zorn of the Seventeenth Senate District is hereby censured; and be it further

Resolved, That copies of this resolution be transmitted to Senator Zorn.

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

Senators Alexander, Bayer, Brinks, Bullock, Chang, Hollier, McCann, McMorro, Moss, Polehanki, Santana and Wojno were named co-sponsors of the resolution.

Senators Polehanki, Bayer, Wojno, McMorro, Alexander, Santana, McCann, Brinks, Ananich and Moss offered the following resolution:

**Senate Resolution No. 118.**

A resolution to urge the Michigan State Capitol Commission to prohibit firearms and other dangerous weapons in public areas of the state Capitol building and the Capitol grounds, and to install security screening checkpoints.

Whereas, The Michigan State Capitol Commission, pursuant to the Michigan State Capitol Historic Site Act, 2013 PA 240, exercises control over the public areas of the state Capitol building and its grounds, including the rotunda and its galleries, the main corridors, the grand staircases, the ground floor entrances, and outdoor staircases; and

Whereas, The state Capitol building is a working government building. It houses the Senate and House chambers, Appropriations Committee rooms, and several legislative offices. Michigan legislators and staff regularly undertake the business of the state in the state Capitol building; and

Whereas, The state Capitol building is also the people's building. The state Capitol is open to school groups and individuals who explore the history of Michigan and its government and appreciate the structure itself. Hundreds of individuals may access the state Capitol building on any given day. Open access to the state Capitol allows Michigan citizens to learn our history, observe the legislative process, voice their opinions, and directly meet government representatives to address personal and professional needs; and

Whereas, It is important that legislators, staff, and the public are safe in the state Capitol building. Allowing individuals to carry firearms in the state Capitol building exposes state employees and citizens to unnecessary risk. The presence of firearms is meant to intimidate legislators, interrupt the democratic process, and block the ability of legislators to properly represent their constituents; and

Whereas, The Michigan State Capitol Commission has authority to restrict the carry of firearms in the state Capitol building. Michigan Attorney General Dana Nessel issued Opinion No. 7311 on May 11, 2020, stating that "restrictions on locations where firearms may be possessed do not need to be statutory." The Attorney General opined that the Michigan State Capitol Commission has been statutorily vested with "exclusive, broad authority to 'operate and manage' the Capitol site" and is "not prohibited from placing restrictions on carrying firearms at facilities under its control."; and

Whereas, Allowing citizens to carry firearms into the Michigan state Capitol building is not a constitutional right. The Supreme Court of the United States has affirmed, "Like most rights, the right secured by the Second Amendment is not unlimited." In the Court's opinion in *District of Columbia v. Heller*, Justice Antonin Scalia wrote, "Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."; and

Whereas, Eight midwestern states ban firearms in their state capitols. Only three, including Michigan allow firearms. However, Minnesota and Wisconsin require permits or restrict possession to certain areas. Only Michigan has no constraint on possession in the state Capitol building; and

Whereas, Prohibiting firearms possession on the grounds of and in the state Capitol building and installing security screening checkpoints for individuals and their personal property to enforce the prohibition will ensure legislators, staff, and Michigan residents remain safe while using the state Capitol building; now, therefore, be it

Resolved by the Senate, That we urge the Michigan State Capitol Commission to prohibit firearms and other dangerous weapons in public areas of the state Capitol building and on Capitol grounds while exempting Capitol police and law enforcement officers; and be it further

Resolved, That we urge the Michigan State Capitol Commission to install security screening checkpoints to screen individuals and their personal property at entrances of the building and other locations as necessary, while exempting Capitol police and law enforcement officers; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan State Capitol Commission.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations. Senators Bullock, Chang, Geiss and Hollier were named co-sponsors of the resolution.

Senators Irwin and Geiss offered the following resolution:

**Senate Resolution No. 119.**

A resolution to recognize the Home Front Victory Celebration-Michigan, in remembrance of the 75th anniversary of the end of World War II.

Whereas, The Home Front Victory Celebration-Michigan takes place May 15-17, 2020, to signify the 75th anniversary of the end of World War II; and

Whereas, This celebration highlights both the contributions and sacrifices made by Michigan citizens, private industries, and business organizations involved in our nation's war efforts; and

Whereas, World War II was a global conflict fought from 1939-1945 that reached peak participation with many of the world's prominent nations, including the United States of America; and

Whereas, World War II tragically resulted in the loss of more than twenty million combatants, fifty million civilians, and forever altered the course of world history; and

Whereas, The people of Michigan mightily contributed to the defense of our nation and helped arm the Allies which became known as The Arsenal of Democracy; and

Whereas, The symbolic heart of the Arsenal of Democracy is the auto industry of Detroit, particularly the Ford Willow Run Bomber Plant, in Ypsilanti, Michigan, that produced 8,568 B-24 Liberator bombers; and

Whereas, The Home Front Victory Celebration-Michigan commemorates the brave men and women of Michigan who served our great nation during World War II, recognizes the distinguished military units of our state who served in this great war, and pays homage to the many Michigan men, women, businesses, and manufacturing enterprises that contributed to the war effort; now, therefore, be it

Resolved by the Senate, That this legislative body recognize the Home Front Victory Celebration-Michigan, in celebration of the 75th anniversary of the end of World War II; and be it further

Resolved, That this resolution is in memoriam to all who lost their lives in World War II; and be it further

Resolved, That we strongly encourage our state's community participation, support, and involvement of its citizens, military units, businesses, as well as private and fraternal organizations in the Home Front Victory Celebration-Michigan to mark the cessation of this war's hostilities.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The resolution was adopted.

Senators Bayer, Brinks, Chang, McMorro, Moss and Wojno were named co-sponsors of the resolution.

Senator Chang offered the following resolution:

**Senate Resolution No. 120.**

A resolution to oppose actions by the United States Environmental Protection Agency to weaken the Mercury and Air Toxics Standards.

Whereas, The Mercury and Air Toxics Standards (MATS) are a federal rule that regulates emissions of mercury and other hazardous air pollutants from coal- and oil-fired power plants. The MATS rule was put in place to protect the health of people across the country, particularly children and seniors who are more vulnerable to the health impacts of mercury and other harmful pollutants; and

Whereas, On April 16, 2020, the U.S. Environmental Protection Agency (EPA) finalized its conclusion that it is not "appropriate and necessary" to regulate the emissions of air toxics from power plants because the economic costs are higher than the public health benefits of the rule; and

Whereas, EPA's decision was based on a flawed cost-benefit analysis of the rule that disregards the indirect impacts on public health, referred to as co-benefits, and does not include any of the new scientific evidence demonstrating the direct benefits of the rule. The decision will remove EPA's legal justification for enforcing the MATS rule and will leave the rule vulnerable to future court challenges; and



Whereas, This change will undermine regulations limiting mercury and other toxins, jeopardizing the health of Michigan residents both from pollution and COVID-19. Mortality rates from COVID-19 tend to be higher in counties with higher levels of long-term air pollution. Communities of color, which already suffer from a disproportionate burden of illness and death, could be particularly affected by these regulatory changes; and

Whereas, Human exposure is not limited to the air we breathe. When coal is burned, toxins, including mercury, fall from the sky into our lakes and streams or are swept into our waterways by rainfall and snowmelt. Once it is in our water, mercury becomes part of the food chain and builds up in large fish that are often headed to consumer markets. A large number of Michigan's waters cannot be enjoyed to their fullest because of mercury pollution; and

Whereas, This rollback runs counter to decades of scientific consensus on the health and environmental hazards of mercury. The harmful effects of mercury on people and wildlife are well-documented. In Michigan, pregnant women are warned against eating certain fish due to the mercury levels in fish. Mercury accumulates in the body over time, which can damage a baby's developing brain and nervous system, impairing the child's IQ and motor skills. The devastating health effects of mercury are undeniable; and

Whereas, Despite the COVID-19 crisis we are facing today, the Trump administration and the EPA continue their series of attacks on public health and the Great Lakes, compounding the health and economic impacts of the pandemic. Rolling back environmental controls will increase pollution in our air, lakes, rivers, and streams with devastating effects on human health, tourism, businesses, and our state's economy; now, therefore, be it

Resolved by the Senate, That we oppose actions by the United States Environmental Protection Agency to weaken the Mercury and Air Toxics Standards; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the United States Environmental Protection Agency and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator MacGregor moved that the resolution be referred to the Committee on Environmental Quality.

The motion prevailed

Senators Bayer, Brinks, Geiss, McMorrow and Polehanki were named co-sponsors of the resolution.

Senator Lucido offered the following concurrent resolution:

**Senate Concurrent Resolution No. 26.**

A concurrent resolution to demand that the Governor compile and make publicly available certain data, to encourage medical professionals to provide elective medical procedures, and to encourage the people of Michigan to continue to practice safe social distancing.

Whereas, COVID-19 is a respiratory disease that can result in serious illness and death; and

Whereas, In Executive Order 2020-17, Governor Whitmer prohibited hospitals, clinics, and medical professionals from conducting elective medical procedures, including non-essential preventive care, even in cases where hospitals and medical professionals have the capacity to safely do so; and

Whereas, Governor Whitmer has not provided and made available to the public, daily, county-level data on COVID-19 hospitalizations, hospital occupancy rates, emergency room visits, or medical staffing numbers. Providing these and other data would improve government transparency and accountability and would allow Michigan residents to learn more about the state of the COVID-19 Pandemic in their area; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we demand that the Governor compile and make available within three days from the date of this concurrent resolution, in a manner easily accessible by the public, detailed data summarized by county on:

1. The daily number of available hospital beds occupied by all patients since January 1, 2020, segregated by in-patient beds, negative air flow beds, and intensive care unit (ICU) beds, as provided by the hospitals.

2. The daily number of available hospital beds occupied by confirmed COVID-19 patients since January 1, 2020, segregated by in-patient beds, negative air flow beds, and ICU beds, as provided by the hospitals.

3. The daily number of emergency room visits in total and the daily number of emergency room visits by patients testing positive for COVID-19 since January 1, 2020.

4. The daily number of confirmed COVID-19 hospitalizations and confirmed COVID-19 deaths that are related to retirement homes or nursing homes since January 1, 2020.

5. The daily number of confirmed COVID-19 hospitalizations and confirmed COVID-19 deaths of individuals who have had other pre-existing or underlying health conditions since January 1, 2020, with segregation of those health conditions and a breakdown of confirmed COVID-19 hospitalizations and confirmed COVID-19 deaths by age, gender, and race.

6. The daily number of ventilators available and daily inventories of hospital personal protective equipment (PPE) since March 10, 2020.

7. The daily quantities of PPE possessed by the state government and the quantities distributed to each hospital since March 10, 2020.

8. The number of medical professionals who have been furloughed, had work hours reduced, or received a cut in pay since March 10, 2020.

9. The daily number of COVID-19 tests conducted since March 10, 2020, including positive and negative results.

; and be it further

Resolved, That we demand that all data related to emergency room visits, hospitalizations, and deaths related to COVID-19 patients be confirmed to be COVID-19 positive patients, and the date of the emergency visit, hospitalization, or death be recorded as the actual date of occurrence, not the date of any data adjustments being made subsequently; and be it further

Resolved, That we encourage the people of Michigan to continue to follow national guidelines for safe social distancing and take steps to protect the populations most at risk, including those residing in nursing homes and retirement homes; and be it further

Resolved, That hospitals, clinics, and medical professionals should have the freedom to provide elective procedures and preventive care where it is deemed appropriate based on staffing capacity, hospital capacity, and availability of PPE and as medical professionals in those facilities determine the best approach to implement national guidelines for safe social distancing; and be it further

Resolved, That copies of this resolution be transmitted to the Governor.

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

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senator Stamas introduced

#### **Senate Bill No. 926, entitled**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2021; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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.

Senator Stamas introduced

#### **Senate Bill No. 927, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 236 as amended by 2019 PA 162, section 17b as amended by 2007 PA 137, and section 201 as amended by 2019 PA 52.

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 McCann, Moss, Chang, Brinks, Santana, Polehanki, McMorro, Irwin, Wojno, Alexander, Hertel, Geiss, Ananich, Bayer and Hollier introduced

#### **Senate Bill No. 928, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 2014 PA 515.

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

Senators Chang, Moss, Brinks, McCann, Santana, Polehanki, McMorrow, Irwin, Wojno, Alexander, Hertel, Geiss, Ananich, Bayer and Hollier introduced

**Senate Bill No. 929, entitled**

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending section 006E35 (MCL 408.1035), as amended by 1991 PA 105.

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

Senators Santana, Moss, Chang, McCann, Polehanki, McMorrow, Irwin, Wojno, Alexander, Hertel, Geiss, Ananich, Bayer and Hollier introduced

**Senate Bill No. 930, entitled**

A bill to prohibit an employer from retaliating against an employee who engages in certain activities that address the employer’s response to or management of coronavirus; and to provide remedies.

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

Senator Moss introduced

**Senate Bill No. 931, entitled**

A bill to prohibit an employer from taking certain actions against employees who engage in certain activities during a declared emergency related to coronavirus disease 2019 (COVID-19); to prohibit discrimination and retaliation for engaging in certain activities; and to provide remedies.

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

Senators Brinks, Chang, Moss, McCann, Santana, Polehanki, McMorrow, Irwin, Wojno, Alexander, Hertel, Geiss, Ananich, Bayer and Hollier introduced

**Senate Bill No. 932, entitled**

A bill to require employers to post information concerning coronavirus testing sites; and to prohibit certain acts and provide sanctions.

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

Senator MacGregor introduced

**Senate Bill No. 933, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7u, 78k, and 78m (MCL 211.7u, 211.78k, and 211.78m), section 7u as amended by 2012 PA 135, section 78k as amended by 2020 PA 33, and section 78m as amended by 2014 PA 501.

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

**House Bill No. 4965, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and

tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 11h, 12, 14, and 15 (MCL 247.661h, 247.662, 247.664, and 247.665), section 11h as amended by 2018 PA 471, sections 12 and 14 as amended by 2015 PA 175, and section 15 as amended by 1999 PA 50.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

#### **House Bill No. 4966, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 13 (MCL 247.663), as amended by 2015 PA 175.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

#### **House Bill No. 4971, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for

transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 2018 PA 325.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

#### **House Bill No. 5417, entitled**

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending sections 2, 3a, 4, 8, 9, 10, and 11 (MCL 333.1052, 333.1053a, 333.1054, 333.1058, 333.1059, 333.1060, and 333.1061), sections 2 and 11 as amended by 2017 PA 157 and section 3a as added and sections 4, 8, 9, and 10 as amended by 2013 PA 155, and by adding section 3b.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

#### **House Bill No. 5418, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1180 and 1181.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

#### **House Bill No. 5419, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5215 (MCL 700.5215), as amended by 2000 PA 469.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

#### **House Bill No. 5488, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1k of chapter IX (MCL 769.1k), as amended by 2017 PA 64.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5766, entitled**

A bill to amend 1973 PA 186, entitled “Tax tribunal act,” (MCL 205.701 to 205.779) by adding section 37a. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

**Statements**

Senators Geiss, VanderWall, Hollier, McMorrow, LaSata, McBroom, Horn 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 Geiss’ statement is as follows:

This week has marked pivotal civil rights anniversaries. Yesterday was the 95th birthday of Malcom X—a central figure in the Civil Rights Movement with an evolving message that went from by any means necessary to one of unity and a deep understanding that racism is the enemy of justice. And Sunday marked the 66th anniversary of the crucial *Brown v. Board of Education* Supreme Court ruling that said in short that separate but equal is anything but.

Now I have to tell you that this weekend was difficult as we passed that anniversary. I thought of the Little Rock Nine, who a few short years after the ruling would be the first students to integrate a school in Arkansas. I thought of Ruby Bridges, who a few years after them would integrate a school in Louisiana. And while in all my years of education, of learning about them and others who were on the forefront of the Civil Rights Movement who had to walk through lines of white people taunting them, jeering at them, spitting on them, some even holding Confederate flags as they walked to their schools. And for the first time in my life—while previously empathizing and imagining what it might have been like to experience such unabashed bigotry—I understood and felt to my core their experiences.

Because in this mess of trying to navigate through a global health pandemic and its effects on Michigan, we have witnessed some of the worst of human nature, not only outside this building—allegedly in the name of freedom—but within this very chamber, where one of our members made the unimaginable choice to wear a Confederate flag upon his facemask—a flag that is not only a symbol of treason against these United States, but is imbued with the symbolism of tyranny against black people and people of color.

It has been three weeks since I initially brought this up in this body and requested it to be formally addressed; two weeks since I introduced Senate Resolution No. 116 to not only have the individual be censured for violating Senate rules, but for the rules governing this body to prohibit any and all symbols of hatred and white supremacy—and, while I am pleased to see it having been read in today, it is my earnest hope that it is taken up.

As I’ve said before, silence equals consent. It equals condoning of the action as well as the symbolism of what that wretched rag of tyrannous and treacherous fabric means. And it pains me to think that those who sit in silence agree with its message. A message that says black people are not worthy of existing, that we have no right to thrive, and for some, a belief that we should be eliminated.

It is unacceptable. It is unacceptable that this esteemed body—one that is charged with protecting all people of this state, guaranteeing that all should be treated equally under the law—would and could remain silent and we must ensure that the resolution does not languish in committee.

Our society and our democracy works best, as it was designed, when we think about each other and not just about ourselves. This pandemic has revealed that we still have a lot of deep-seated societal problems—actions, threats, and symbols of racism included—of which we’ve seen all three. With the issues we have before us, we have a chance. A chance for those in charge to lead and do the right thing. To figure out how to make things better and build a community on the values we believe in. I came here to do that, and I still extend the invitation for my colleagues to do the same.

Senator VanderWall’s statement is as follows:

How do I start? There’s a couple things that are on my mind today, but I’m going to start with what pertains to the state right now and COVID-19. Last week I started out my speech and I shared a story about a family-owned business in my district—the Big Cat Brewing Company—that announced it was permanently closing its doors. This brewery is in Leelanau County which has had a total of eleven cases of COVID-19 and no deaths. Sadly, this is far from the only story in my district. The Vitro glass factory in Evart was the second-biggest employer until recently they announced their permanent closure and the loss of 125 jobs to a very small community in Osceola County.

Now, 34 days after Senate Republicans first urged our Governor to take into account the different experiences of different parts of our state with this virus, she finally has done so. Unfortunately, her long-delayed action is raising as many questions and concerns as her inaction did. After our Governor's announcement on Monday, the following counties in my district will remain closed this weekend—Mason County, 27 cases, zero deaths; Lake County, three cases, zero deaths—one of the hardest economically hit counties in our state; one of the poorest, lost already one of its holidays, which was the Blessing of the Bikes last weekend, now down to three weekends in the summer to stay alive and we're going to lose one more, potentially, who knows, the Fourth of July, we have Labor Day, and of course we've already lost deer season years ago in that county which has devastated them. We've got Ogemaw County, 18 cases, zero deaths; and Osceola County, the former home of Vitro glass, ten cases, zero deaths.

Mr. President, the people of Michigan are frustrated, they're scared, and they're suffering. The lack of transparency and clarity from the Governor is only compounding the problem. Why are Mason, Lake, Ogemaw, and Osceola counties closed while many of their neighbors will be open this weekend? Where is the data to support these decisions? Do any communities in our districts have an understanding of how close or how far away they are from reopening?

This week, the mayor of Detroit announced he believes the city is ready to reopen. Wayne County has nearly 20,000 COVID-19 cases. And maybe they are ready to open—the mayor certainly knows his city better than I do—but, if Detroit is ready, how are Mason, Lake, Ogemaw, and Osceola counties and their 58 combined cases not?

Mr. President, COVID-19 has devastated parts of our state, but for others, the devastation has been economic, not medical. And while Monday's announcement by our Governor was a long-overdue—a small step forward for some parts of our state—others remain in a state of economic devastation that could have and should have been avoided.

I appreciate the opportunity to bring this forward. I urge you, my fellow legislators, that we move forward and look at each area of the state differently. We need to open these counties. I appreciate the opportunity.

Senator Hollier's statement is as follows:

Colleagues, yesterday we had another emergency and I think we would be remiss in this body if we didn't recognize that one of our colleagues isn't here today because his home town is flooding and as we talk about COVID-19—as we talk about things that are happening in the world—I think too often we fail to remember how it affects regular people and that our job, first and foremost, is to take care of peoples' lives. And so I hope that we continue to think about these things, that we work, that we pray, and that we keep Senator Stamas, his family, and his constituents in our hearts and in our minds as we think about how they are being affected by not this first thing, but the second. How as a body we begin to start to think about how we will continue to prepare for what that next thing is.

My dad is always talking about this or that. That first thing that happens is the thing that you spend all your time thinking about. But as a body, we are tasked and we have the ability to start to think about what the second thing is going to be. And last summer we had rising water. We had all kinds of places across this state where lake levels were higher than they had ever been. Where we had to dike. Where we had all these issues. Some of those things all across our communities. We are going to continue to have these discussions as we talk about the infrastructure needs and all of those things. I'd ask that we spend some time today, over the next week, and refocus our efforts on planning for what's coming next and how we're going to respond to those issues because the issue in Midland is not going to go away tomorrow or next week. It is going to cause real time; real recovery.

So before this I did relief work after Katrina and that was a huge interaction and was hugely impactful on not just the times but how people were ever able to live and interact. And we're going to have to do the same thing here in Michigan on not just COVID-19, not just the economy, but on this dam and a host of other issues that are going to happen. So I'd ask my colleagues to think about how we're going to come back together and start to plan for the next thing because it's coming, and if we aren't working together to address it, we're going to miss it and our constituents—the residents of Michigan—are going to be the ones who are the worse off for it. So I'd ask us to get over ourselves, to think about how we must work with each other and to do the things that are necessary because there are people who need us—people who rely on us all day every day. And I look forward to working with you.

Senator McMorro's statement is as follows:

I rise today, colleagues, to ask for your co-sponsorship on a bill that's sitting on my desk today that would allow restaurants to add cocktails-to-go to the beer and wine that they're already allowed in many places to sell. This has been a devastating time for many of our restaurants and small businesses, many of the places that we love to go to and gather. We heard in committee yesterday that many restaurants are looking at a 12 to 18 month recovery period and noted that it would be absolutely devastating to many of our favorite places if there was a second wave of this virus.



I also know in talking to many of my constituents that even if we open our doors tomorrow, many people still prefer to stay at home. I have constituents who are immunocompromised who want to make sure that they are safe and that their families are safe and have really enjoyed spending time with their families eating at home. I've seen some incredibly innovative things that restaurants in my district have been doing. I've got Griffin Claw hand sanitizer sitting on my desk which they pivoted to make almost immediately after this crisis hit. One of my favorite restaurants is doing cooking classes on Instagram and Facebook where they are selling meal kits for you to take home and learn how to cook. But we know that up to 30 percent of revenue that comes into many of these restaurants is in alcohol sales, so I've heard directly from many of our small restaurants that this would allow them to keep staff on, keep people employed, and ride this out for the long haul to have a better shot of making it to the other side.

And for those who have the means and want the ability to enjoy a cocktail safely from the comfort of your own home, this would allow for that as well and I think that sounds pretty good right now. I encourage your co-sponsorship and the bill is sitting on my desk.

Senator LaSata's statement is as follows:

Mr. President and colleagues, I have a letter from the state of Indiana.

Dear Michigan, you have always looked down on us and that's ok. But, as a state we would like to say 'thank you' for continuing your stay-at-home-and-stay-safe order. Memorial Day is a very special day, and Memorial Day weekend is a kickoff to summer activities. There are so many who travel to Michigan to get away for a long, relaxing weekend. Thank you for continuing to stay closed in most of your state. And a big 'thank you' for spending your money to get our economy growing again. We look forward to continuing to compete with you. Checkmate. Yours truly, Indiana.

Senator McBroom's statement is as follows:

Mr. President, I found it very disturbing last week when one of our state officers—our state's Attorney General—decided to send a letter to a Native American tribe in my district commanding them to not run their business, commanding them to obey or suffer consequences from her of potential criminal or civil charges against workers at their place, citizens who might be there. Now the tribe had no obligation to close its casino. At the very beginning of this crisis, they considered not doing so. But under local public pressure from local citizens and officials, they agreed that it was the right thing to do. And the fair thing to do. But after all of this time has elapsed, and dates got moved, and goalposts were moved, the tribe finally said, like every other business in the Upper Peninsula is telling me, we can't hold out forever on this, and so we're moving forward. And for a high official of our state to threaten them—to do what's in their sovereign power to do—I think is completely inappropriate and offensive. It's offensive to the people of my district, and it's certainly offensive to the tribal members who live in my district, and are my constituents too. I think that the Attorney General really needs to write a rescission to this letter, and apologize to the tribe for putting her nose into their business.

Continuing to elaborate on this current situation, and what I've said in the last few days, what's different about this Friday, versus yesterday? Or even Monday, for that matter? We're doing hearings on executive orders, and see that many of them implemented immediate effect, but then immediately people are told, "Hold off on implementing that – we've got problems." So then on Monday, an executive order comes out, not effective until Friday. But are there any date appointments given to people to help them understand what's significantly different between Monday, Tuesday, Wednesday, Thursday and Friday? No. And this is a continued lack of direction that we as citizens and representatives of the citizens are calling for. And it's not an outrageous demand, it's not somehow unreasonable to continue to ask—and for my citizens to continue to ask—for reasonable justifications to be provided. If the Governor has information that we don't have, on the sources that we're listening to who say it's okay, then bring it forward. Tell us why the sources we listen to are wrong, and why these sources are the chosen ones. Tell us why Tuesday wasn't a good enough day to open up, but Friday is. Tell us why the Senator from the other district's counties can't go forward yet, but these can. If we would explain to the people, why was motorboating wrong for a while, but canoeing was okay? If we continue to treat the citizens of this state like children, where we just say, "Do what I say because I'm the boss," the citizens are going to continue to chafe under this. They began very willing because it was urgent, it was necessary, and we were scared. But as time goes forward, real leadership brings information forward. It brings communication forward. It helps people to understand that these things are necessary, and here's why. And then is willing to take some pushback and debate for those who say, "Well, what about this information?" Real leadership seeks out competing information and then brings it forward and says, "I've weighed the two issues, I've weighted the three issues, I've weighed all these opinions, but this is the one that I feel is the right one." We're not getting that right now. And I want to believe that they're there, that there's a reasonable justification to many of these things, and yet, we don't get to hear. And so I'm begging, of the Executive, bring that information forward, help us to believe that you've considered alternative opinions, and alternative information and still found that this was the weightiest and the right way to go.



Senator Horn's statement is as follows:

Before I go into my written remarks, I'd just like to join my colleague from the 2nd District in providing prayers and thoughts to the community of Midland. That water is heading to my district, Mr. President, into Saginaw County. The Tittabawassee River, for those of my constituents who are listening, will crest at approximately 8 o'clock tonight at 38 and a half feet. We have communities that are on alert and being evacuated. Roads are closed. Pay attention to the evacuation orders that local emergency officials are providing.

With that, I'd like to provide some Memorial Day remarks, Mr. President. One year ago in the Michigan Senate, we observed the 25th annual Memorial Day Service. Because we will not commemorate Memorial Day in the chamber this week, I'd like to re-introduce you to my last year's guest—Sergeant Major Ken Rice, a United States Marine. He lived an incredible life and became a recipient of the Purple Heart. He has a story worth telling a second time.

Sergeant Major Rice was born and raised in Bad Axe, and after completing boot camp, Ken enlisted as an aviator and was sent to China in mid-1940. He served in Shanghai and then was sent to Bataan in the Philippines. When Bataan fell, Ken was captured by the Japanese. He was a survivor of the infamous Bataan Death March. Thousands of POWs were not so fortunate. As a newer POW, Ken was sent to Japan in 1943 on a boat, one of many, which became known as a "hell ship." On these hell ships, POWs were housed in the filth of the bowels of the ship. Prisoners were brought to the surface 15 to 20 minutes a day for fresh air and to stretch a bit. The ship was struck and sunk by a torpedo from an American submarine. Ken Rice was fortunate to be on the deck surface for his 15 minutes and survived the sinking ship. Seven hundred POWs below deck weren't so fortunate. He was pulled from the sinking ship and taken to a prison camp just outside of Nagasaki. For a month at a time the American POWs worked in the coal mines, followed by a month on the docks unloading ships, then back to the mines. They alternated with the Dutch POWs.

On August 9, 1945, Sergeant Major Rice was working underground in the mines. The American POWs, knew something big had happened above ground, because their guards never came back for them. Mr. Rice and other POWs made their way to the surface. They personally witnessed the devastation of the atomic bomb that was dropped on Nagasaki. Sergeant Major Ken Rice survived once more. Tens of thousands of people were not so fortunate. The POWs found their way back to Camp 17, where they were put aboard a B-25 and flown to Okinawa in September 1945, and Sergeant Major Rice eventually returned to his home in Bad Axe.

Ken Rice wasn't done yet. He remained in the Marine Corps and in 1951 was sent to Korea as a forward air observer on the front lines. He retired from the military in 1960 to live in Saginaw where he served in the sheriff's department for 21 years. You can learn more about Sergeant Major Ken Rice when you visit his display at the Michigan Heroes Museum.

Sergeant Major Ken Rice died last November. He never thought of himself as a hero; heroes never do. Sergeant Major Ken Rice, we will remember your service, and there are a million stories to remember. While next Monday is Memorial Day, there will be no parades, no community picnics, no public gatherings, but we will remember. Freedom isn't free. It's more than just a bumper-sticker slogan. Millions of brave heroes have fought to protect our freedoms and inalienable rights. And yes, we should never, ever forget that our freedoms are a gift from God. Centuries of protected American liberties that this august body should never yield for any reason. We are Michigan strong. We are American. God bless those who made the ultimate sacrifice and God bless the United States of America.

Senator Shirkey's statement is as follows:

I'd like to ask my colleagues to join me in a brief comment here and a moment of silence at your approval, at the end, with regards to what our friends and neighbors are experiencing in mid-Michigan, upper mid-Michigan.

It's interesting and ironic that this is occurring on a holiday, Memorial Day weekend. There'll be no doubts about those that are living in that affected area as to what they will remember about this particular 2020 Memorial Day. It'll never leave their thoughts. The reports that I've received so far is that this flood, from a historical perspective, will exceed the worst flood in that area by at least four feet. We haven't even seen the totality of the damage yet. It has been pretty impressive to see the response that has occurred so far, and—knock on wood—the Lord wills that there still have been no deaths. We hope that that continues.

That's a testament to those who were anticipating what was going to occur and prepared and evacuated folks in the appropriate manner. Even up to 125 or so people were literally evacuated from Midland hospital. We've got cities that are completely underwater. The water in the city of Sanford is up to the eaves of the businesses on the main street. We've got homes along the rivers that are not just damaged, they're just simply gone.

And so, on this Memorial Day, we remember those who have given their lives for the freedoms that we enjoy and—as has been pointed out by my colleagues on both sides of the aisle—freedom is a messy thing, but we still enjoy freedom. Let’s also take time this weekend to pray and think about our neighbors and friends that are experiencing something that we’ll never know. That the Lord says that your thoughts are not my thoughts and your ways are not my ways, and so we can ask ourselves the question that’s unanswerable: Why this might have happened. We can keep our eyes and ears open to finding ways to help and to discern what the real meaning is. Yet, while we go about our business in a normal manner between now and next week when we get back together, there are going to be thousands and thousands of folks that are digging out of their life’s savings and their life’s works, and we just pray for them.

A moment of silence was observed in recognition of the victims of the flooding in Midland County.

Senator MacGregor moved that when the Senate adjourns Thursday, May 21, 2020, it stand adjourned until Wednesday, May 27, 2020 at 10:00 a.m.

The motion prevailed.

### Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 19:

**House Bill Nos. 4965 4966 4971 5417 5418 5419 5488 5766**

The Secretary announced that the following bills were printed and filed on Tuesday, May 19, and are available on the Michigan Legislature website:

**Senate Bill Nos. 924 925**

### Committee Reports

The Committee on Judiciary and Public Safety reported

**House Bill No. 5709, entitled**

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 5 (MCL 30.405), as amended by 2006 PA 545.

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 and Irwin

Nays: Senator Chang

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Tuesday, May 19, 2020, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, May 19, 2020, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

**Scheduled Meetings**

**COVID-19 Pandemic Joint Select** - Thursday, May 21, 2:00 p.m. or after committees are given leave by the House to meet, whichever time is later., Room 519, Anderson House Office Building (517) 373-5795

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 10:45 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, May 21, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

