

No. 53  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Tuesday, June 16, 2020.

10:00 a.m.

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

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

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

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

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

Senator Kim LaSata of the 21st District offered the following invocation:

O Christ Jesus, when all is darkness and we feel our weakness and helplessness, give us the sense of Your presence, Your love, and Your strength. Help us to have perfect trust in Your protecting love and strengthening power so that nothing may frighten or worry us, for living close to You we shall see Your hand, Your purpose, and Your will through all things.

Amen.

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

### Motions and Communications

Senator Nesbitt entered the Senate Chamber.

Senator MacGregor moved that Senator Zorn be temporarily excused from today's session.  
The motion prevailed.

Senator Zorn entered the Senate Chamber.

Senator Chang moved that Senators Ananich, Geiss, Hertel, Hollier and Santana be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Office of Senator Rosemary Bayer

June 11, 2020

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bills 960 and 961 introduced by Senators Brinks and Geiss respectively on June 4, 2020.

Sincerely,  
Rosemary K. Bayer  
12th Senate District  
State Senator

The communication was referred to the Secretary for record.

The following communication was received:

Office of Senator Dale W. Zorn

June 12, 2020

I write to you today to respectfully request that you add my name as a co-sponsor to Senate Bill 967 (Sen. Johnson) and Senate Bill 968 (Sen. Lucido).

Please let me know if you have any questions. Thank you for your assistance in this important matter.

Respectfully,  
Dale W. Zorn  
State Senator – District 17

The communication was referred to the Secretary for record.

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

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

### Messages from the Governor

The following messages from the Governor were received:

Date: June 11, 2020

Time: 9:41 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 350 (Public Act No. 86), being**

An act to amend 1895 PA 3, entitled “An act to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance

of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies,” by amending section 18 (MCL 69.18), as amended by 1984 PA 179.

(Filed with the Secretary of State on June 11, 2020, at 10:35 a.m.)

Date: June 11, 2020

Time: 9:43 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 718 (Public Act No. 87), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 625t (MCL 257.625t), as added by 2016 PA 243.

(Filed with the Secretary of State on June 11, 2020, at 10:37 a.m.)

Respectfully,  
Gretchen Whitmer  
Governor

The following message from the Governor was received on June 12, 2020, and read:

EXECUTIVE ORDER  
No. 2020-118

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

**Rescission of Executive Order 2020-85**

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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPMA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

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

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

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

Executive Order 2020-85 and its predecessors, which temporarily prohibited removal or exclusion of a tenant or mobile home owner from their residential premises, were issued because removing or excluding people from their residences was likely to exacerbate the public health threat of COVID-19. This order further extends those policies, 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 2020-85 is rescinded.

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

1. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person shall remove or exclude from leased residential premises or residential premises held under a forfeited executory contract a tenant, a vendee of a forfeited executory contract, or a person holding under a tenant or vendee, except when the tenant, vendee, or person holding under them poses a substantial risk to another person or an imminent and severe risk to property. This order should be broadly construed to effectuate that purpose. This section is effective immediately and continues until June 30, 2020 at 11:59 p.m.

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

3. Nothing in this order shall be construed to abrogate the obligation to pay or right to receive payment due under a lease or executory contract, nor to prohibit a landlord or vendor from making a demand for payment. Any demand for rent or executory contract payment, however, must not include a demand for possession or notice of forfeiture of executory contract, or other threat of eviction or forfeiture, based on the nonpayment of rent or executory contract obligation. Effective immediately and continuing until June 30, 2020 at 11:59 p.m., any service of a demand for payment may not be made by personal delivery.

4. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person may enter residential property in order to remove or exclude from the premises a tenant, a vendee of a forfeited executory contract, a person holding under a tenant or vendee, or the personal property of a tenant, vendee, or person holding under them, including pursuant to a writ authorizing restoration of a plaintiff to full, peaceful possession of premises under section 5744 of the RJA, MCL 600.5744, except when the tenant, vendee, or person holding under them poses a substantial risk to another person or an imminent and severe risk to property. This section is effective immediately and continues until June 30, 2020 at 11:59 p.m.

5. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, a sheriff, under-sheriff or constable, deputy, or other officer must not serve process requiring forfeiture of leased residential premises or residential premises held under a forfeited executory contract. Any requirements to that effect imposed by the RJA are suspended. This section is effective immediately and continues until June 30, 2020 at 11:59 p.m.

6. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person may deny a mobile home owner access to their mobile home, except when the mobile home owner's tenancy has been terminated because the mobile home owner poses a substantial risk to another person or an imminent and severe risk to property. This section is effective immediately and continues until June 30, 2020 at 11:59 p.m.

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

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

9. Executive Order 2020-85 is rescinded.

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

11. A copy of this order will be transmitted to the State Court Administrative Office.

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

Date: June 11, 2020

Time: 8:38 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 12, 2020, and read:

EXECUTIVE ORDER  
No. 2020-119

**Temporary COVID-19 protocols for entry into Michigan Department of  
Corrections facilities and transfers to and from Department custody; temporary  
recommended COVID-19 protocols and enhanced early-release authorization for  
county jails, local lockups, and juvenile detention centers**

**Rescission of Executive Order 2020-62**

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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of

authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

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

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders who work at or are incarcerated in prisons, county jails, local lockups, and juvenile detention centers across the state, it is reasonable and necessary to implement limited and temporary COVID-19-related protocols and procedures regarding entry into facilities operated by the Michigan Department of Corrections and transfers to and from the Department's custody; to recommend limited and temporary COVID-19-related protocols and measures for county jails, local lockups, and juvenile detention centers; and to temporarily suspend certain rules and procedures to facilitate the implementation of those recommendations.

Executive Order 2020-29 took these steps. Executive Order 2020-62 extended their duration and Executive Order 2020-100 extended that order's duration further. This order extends the duration of these steps again, 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 2020-62 is rescinded.

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

1. The Michigan Department of Corrections (the "Department") must continue to implement risk reduction protocols to address COVID-19 ("risk reduction protocols"), which the Department has already developed and implemented at the facilities it operates and which include the following:

(a) Screening all persons arriving at or departing from a facility, including staff, incarcerated persons, vendors, and any other person entering the facility, in a manner consistent with guidelines issued by the Centers for Disease Control and Prevention ("CDC"). Such screening includes a temperature reading and obtaining information about travel and any contact with persons under investigation for COVID-19 infection.

(b) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.

(c) Limiting off-site appointments for incarcerated persons to only appointments for urgent or emergency medical treatment.

(d) Developing and implementing protocols for incarcerated persons who display symptoms of COVID-19, including methods for evaluation and processes for testing, notification of the Department of Health and Human Services ("DHHS"), and isolation during testing, while awaiting test results, and in the event of positive test results. These protocols should be developed in consultation with local public health departments.

(e) Notifying DHHS of any suspected case that meets the criteria for COVID-19 through communication with the applicable local public health department.

(f) Providing, to the fullest extent possible, appropriate personal protective equipment to all staff as recommended by the CDC.

(g) Conducting stringent cleaning of all areas and surfaces, including frequently touched surfaces (such as doorknobs, handles, light switches, keyboards, etc.), on a regular and ongoing basis.

(h) Ensuring access to personal hygiene products for incarcerated persons and correctional staff, including soap and water sufficient for regular handwashing.

(i) Ensuring that protective laundering protocols are in place.

(j) Posting signage and continually educating on the importance of social distancing, handwashing, and personal hygiene.

(k) Practicing social distancing in all programs and classrooms—meaning a distance of at least six feet between people in any meeting, classroom, or other group.

(l) Minimizing crowding, including interactions of groups of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.

2. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act ("CJOA"), 1982 PA 325, MCL 801.51 *et seq.*, is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA.

3. Anyone authorized to act under section 2 of this order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:

(a) Older people, people who have chronic conditions or are otherwise medically frail, people who are pregnant, and people nearing their release date.

(b) Anyone who is incarcerated for a traffic violation.

(c) Anyone who is incarcerated for failure to appear or failure to pay.

(d) Anyone with behavioral health problems who can safely be diverted for treatment.

4. Effective immediately, all transfers into the Department's custody are temporarily suspended. Beginning seven (7) days from the effective date of this order, and no more than once every seven (7) days, a county jail or local lockup may request that the director of the Department determine that the jail or lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order. Upon inspection, if the director of the Department determines that a county jail or local lockup has satisfactorily implemented risk reduction protocols, transfers from that jail or lockup will resume in accordance with the Department's risk reduction protocols. The director of the Department may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.

5. Parole violators in the Department's custody must not be transported to or lodged in a county jail or local lockup unless the director of the Department has determined that such county jail or local lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order.

6. The State Budget Office must immediately seek a legislative transfer so that counties may be reimbursed for lodging incarcerated persons that would have been transferred into the Department's custody if not for the suspension of transfers described in section 4 of this order.

7. Juvenile detention centers are strongly encouraged to reduce the risk that those at their facilities will be exposed to COVID-19 by implementing as feasible the following measures:

(a) Removing from the general population any juveniles who have COVID-19 symptoms.

(b) Eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others.

(c) Providing written and verbal communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support.

(d) To the extent feasible, facilitating access to family, education, and legal counsel through electronic means (such as telephone calls or video conferencing) at no cost, rather than through in-person meetings.

8. Unless otherwise directed by court order, for juveniles on court-ordered probation, the use of out-of-home confinement for technical violations of probation and any requirements for in-person meetings with probation officers are temporarily suspended.

9. This order is effective immediately and continues through July 9, 2020 at 11:59 p.m.

10. Executive Order 2020-62 is rescinded.

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

Date: June 11, 2020

Time: 8:40 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 12, 2020, and read:

EXECUTIVE ORDER  
No. 2020-120

**Returning overnight camps to operation**

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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 *et seq.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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

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

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, 2020-110, and 2020-115, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day continues to drop. Although the virus remains aggressive and persistent—on June 11, 2020, Michigan reported 59,496 confirmed cases and 5,737 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are now in the process of gradually resuming in-person work and activities. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

After considering the public health data, I find it reasonable and necessary at this point to allow overnight camps to resume operations as of June 15, 2020, subject to guidance from the Department of Licensing and Regulatory Affairs. I likewise find it reasonable and necessary to lift its suspension of school sports activities



and other in-person extracurricular school activities, subject to rules on social distancing and the closure of indoor exercise facilities.

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

1. Notwithstanding any other executive order, residential, travel, and troop camps within the meaning of Rule 400.11101(n), (p), or (q) of the Michigan Administrative Code may open as of 12:01 a.m. on June 15, 2020, subject to guidance issued by the Department of Licensing and Regulatory Affairs.

2. Section I(1) of Executive Order 2020-65 is amended by striking the second sentence and replacing it with: “Consistent with the rules described in Executive Order 2020-110 (including any rules on social distancing and the closure of indoor exercise facilities) and Executive Order 2020-115, whichever order applies to the region in which the school is located, and any orders that follow from them, K-12 school sports activities and other in-person extracurricular school activities may resume.”

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

Date: June 12, 2020

Time: 12:18 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 12, 2020, and read:

**EXECUTIVE ORDER**  
No. 2020-121

**Department of State Police**  
**Michigan Commission on Law Enforcement Standards**

**Executive Reorganization**

Effective policing that promotes safety, security, and justice for all Michiganders requires participation in setting policing standards from a broad range of individuals, including Michigan residents from outside the law enforcement community.

Adding members to the Michigan Commission on Law Enforcement Standards, which develops the licensing and training standards for law enforcement officers in this state, will bring a more diverse range of voices to this important task and promote democratic accountability.

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

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

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

1. The Michigan Commission on Law Enforcement Standards (the Commission) created by section 3 of the Michigan Commission on Law Enforcement Standards Act (the MCOLES Act), 1965 PA 203, as amended, MCL 28.603, is expanded to include the following additional members:

(a) The director of the Michigan Department of Civil Rights, or his or her designated representative from within that department.

(b) Three residents of this state appointed by the governor with the advice and consent of the Michigan Senate.

2. A member appointed under section 1(b) of this order must not be a law enforcement officer, a Michigan tribal law enforcement officer, or be employed by or otherwise affiliated with a law enforcement agency or a law enforcement training academy.

3. Of the Commission members initially appointed under section 1(b) of this order, one must be appointed for an initial term expiring on December 31, 2021, one must be appointed for an initial term expiring on December 31, 2022, and one must be appointed for an initial term expiring on December 31, 2023. After the

initial term, the members will be appointed for terms of four years. A vacancy occurring other than by expiration of a term will be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. As used in this order, “law enforcement agency”, “law enforcement officer”, “law enforcement training academy”, and “Michigan tribal law enforcement officer” mean those terms as defined in section 2 of the MCOLES Act, MCL 28.602.

5. Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective on August 12, 2020 at 12:01 a.m.

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

Date: June 12, 2020

Time: 12:30 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 12, 2020, and read:

EXECUTIVE ORDER  
No. 2020-122

**Ending the extension of case-initiation deadlines**

**Rescission of Executive Order 2020-58**

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. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. 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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

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

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the

governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

In March 2020, the Michigan Supreme Court issued Administrative Order 2020-3, which amended the manner of calculation of days for purposes of filing deadlines under MCR 1.108(1) for all civil and probate matters by providing that any day falling within the declared state of emergency would not count toward the limitation period. On April 22, 2020, I issued Executive Order 2020-58, which, consistent with Administrative Order 2020- 3, suspended all deadlines applicable to the commencement of all civil and probate actions and proceedings.

Michigan's emergency response has been effective in suppressing the spread of the COVID- 19. The number of new confirmed cases each day has been steadily in decline, and the strain on our health care system's operational capacity has relented. As a result of this progress, Michigan has been able to gradually resume in-person work and activities with certain safety measures in place, including a wider range of judicial activities.

In light of this transition, the temporary extension of deadlines for statutes of limitations provided by Executive Order 2020-58 will no longer be necessary as soon as the Michigan Supreme Court provides for the resumption of computation of days as normal, beginning June 20, 2020.

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

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-18, all deadlines applicable to the commencement of all civil and probate actions and proceedings, including but not limited to any deadline for the filing of an initial pleading and any statutory notice provision or other prerequisite related to the deadline for filing of such a pleading, are tolled from March 10, 2020 to June 19, 2020.

2. Executive Order 2020-58 will remain in effect through June 19, 2020. Effective June 20, 2020 at 12:01 a.m., Executive Order 2020-58 is rescinded.

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

Date: June 12, 2020

Time: 4:42 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 15, 2020, and read:

EXECUTIVE ORDER  
No. 2020-123

**Enhanced protections for residents and staff of long-term care facilities  
during the COVID-19 pandemic**

**Rescission of Executive Order 2020-95**

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. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. 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 (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

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

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

The COVID-19 pandemic poses a particularly dire threat to the health and safety of both residents and employees of long-term care facilities. To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial to limit in-person contact as much as possible and, for those in-person services and interactions that must occur, to engage in social distancing and other mitigation practices. For the residents of long-term care facilities to receive the care they need, however, the residents and staff of the facilities must share close quarters and interact in person regularly, and limitations on access to personal protective equipment only make it more difficult for these in-person interactions to be carried out safely. Due to the nature of the care provided in long-term care facilities and the vulnerable status of their residents, the risk of harm posed by a single positive case of COVID-19 to the entire facility—residents and staff—is inordinately high. As a result, it is reasonable and necessary to provide enhanced protections for residents and employees of long-term care facilities during this unprecedented crisis.

Executive Order 2020-50 provided such protections. Executive Order 2020-84 extended the duration of those protections, and Executive Order 2020-95 extended it further and adjusted the scope of those protections. This order extends the duration of those protections because it remains necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, especially among the vulnerable populations of long-term care facilities. With this order, Executive Order 2020-95 is rescinded.

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

**I. Protections for residents of long-term care facilities**

1. Notwithstanding any statute, rule, regulation, or policy to the contrary, a long-term care facility must not effectuate an eviction or involuntary discharge against a resident for nonpayment, nor deny a resident access to the facility, except as otherwise provided in this order.

2. A long-term care facility must not prohibit admission or readmission of a resident based on COVID-19 testing requirements or results in a manner that is inconsistent with this order or relevant guidance issued by the Department of Health and Human Services ("DHHS").

3. The following apply to a resident that voluntarily obtained housing outside of a long-term care facility such as by moving in with a family member (but not to a resident who was hospitalized) during any state of emergency or state of disaster arising out of the COVID-19 pandemic:

(a) The resident does not forfeit any right to return that would have been available to the resident under state or federal law had they been hospitalized or placed on therapeutic leave. Nothing in this section affects the rights of a resident who was hospitalized or placed on therapeutic leave.

(b) Except as provided in subsection (c), as soon as capacity allows, the long-term care facility of origin must accept the return of the resident, provided it can meet the medical needs of the resident, and there are no statutory grounds to refuse the return.

(c) Prior to accepting the return of such a resident, the long-term care facility must undertake screening precautions that are consistent with relevant DHHS guidance when receiving the returning resident. A facility must not accept the return of a COVID-19-positive resident if the facility does not have a dedicated unit or regional hub meeting the requirements of this order.

4. Nothing in this order abrogates the obligation to pay or right to receive payment due under an admission contract between a resident and a long-term care facility.

5. All long-term care facilities must use best efforts to facilitate the use of telemedicine in the care provided to their residents, including, but not limited to, for regular doctors' visits, telepsychology, counseling, social work and other behavioral health visits, and physical and occupational therapy.

## **II. Protections for employees and residents of long-term care facilities**

1. It is the public policy of this state that employees of long-term care facilities or regional hubs who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their homes or places of residence, as provided in section 2 of Executive Order 2020-36 or any order that may follow from it, and that their employers shall not discharge, discipline, or otherwise retaliate against them for doing so, as provided in section 1 of Executive Order 2020-36 or any order that may follow from it.

2. Long-term care facilities must:

- (a) Cancel all communal dining and all internal and external group activities;
- (b) Take all necessary precautions to ensure the adequate disinfecting and cleaning of facilities, in accordance with relevant guidance from the Centers for Disease Control and Prevention ("CDC");
- (c) Use best efforts to provide appropriate personal protective equipment ("appropriate PPE") and hand sanitizer to all employees that interact with residents;
- (d) As soon as reasonably possible, but no later than 12 hours after identification, inform employees of the presence of a COVID-19-affected resident;
- (e) Notify employees of any changes in CDC recommendations related to COVID-19;
- (f) Keep accurate and current data regarding the quantity of each type of appropriate PPE available onsite, and report such data to EMResource upon DHHS's request or in a manner consistent with DHHS guidance; and
- (g) Report to DHHS all presumed positive COVID-19 cases in the facility together with any additional data required under DHHS guidance.

## **III. Procedures related to transfers and discharges of COVID-19-affected residents**

1. A long-term care facility must report the presence of a COVID-19-affected resident to their local health department within 24 hours of identification.

2. Except as otherwise provided by an advance directive, a long-term care facility must transfer a COVID-19-affected resident who is medically unstable to a hospital for evaluation.

3. A nursing home must make all reasonable efforts to create a unit dedicated to the care and isolation of COVID-19-affected residents ("dedicated unit").

(a) A nursing home with a dedicated unit must provide appropriate PPE to direct-care employees who staff the dedicated unit.

(b) A nursing home provider that operates multiple facilities may create a dedicated unit by designating a facility for such a purpose.

(c) A nursing home must not create or maintain a dedicated unit unless it can implement effective and reliable infection control procedures.

4. A long-term care facility must adhere to the following protocol with respect to a COVID-19-affected resident who is medically stable:

(a) If the long-term care facility has a dedicated unit, the facility must transfer the COVID-19-affected resident to its dedicated unit.

(b) If the long-term care facility does not have a dedicated unit, it must attempt to transfer the COVID-19-affected resident to a regional hub, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed at a hospital.

(c) If a transfer under subsection (b) of this section is not possible, the long-term care facility must attempt to send the resident to a hospital within the state that has available bed capacity.

5. Once a long-term care facility resident who has been hospitalized due to onset of one or more of the principal symptoms of COVID-19 becomes medically stable, the hospital must conduct testing consistent with best practices identified by the CDC prior to discharge. Discharge may be made to any of the following: a regional hub, the facility where the resident resided prior to hospitalization, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed.

6. Discharge destinations should be determined consistent with CDC and DHHS guidelines. Decisionmakers should consider patient safety, the safety of the residents of any destination facility, the wishes of the patient and patient's family, and any guidance or recommendations from the local health department. However, a resident may only be discharged to a facility capable of safely isolating the resident, consistent with any applicable CDC and DHHS guidelines.

7. Until an acceptable discharge destination is identified, the individual must remain in the care of the hospital where they reside.

8. For any transfer or discharge of a resident, the transferring or discharging entity must ensure that the resident's advance directive accompanies the resident and must disclose the existence of any advance directive to medical control at the time medical control assistance is requested.

9. A long-term care facility that transfers or discharges a resident in accordance with this order must notify the resident and the resident's representative (if reachable) of the transfer or discharge within 24 hours.

10. The department of licensing and regulatory affairs is authorized to take action to assure proper level of care and services in connection with this order, consistent with section 21799b of the Public Health Code, MCL 333.21799b, and any other relevant provisions of law.

11. A transfer or discharge of a long-term care facility resident that is made in accordance with this order constitutes a transfer or discharge mandated by the physical safety of other facility residents and employees as documented in the clinical record, for purposes of section 21773(2)(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.21773(2)(b), and constitutes a transfer or discharge that is necessary to prevent the health and safety of individuals in the facility from being endangered, for purposes of 42 CFR 483.15(c)(1)(i)(C)-(D) and (c)(4)(ii)(A)-(B).

12. To the extent necessary to effectuate this terms of this order, strict compliance with any statute, rule, regulation, or policy pertaining to bed hold requirements or procedures, or to pre-transfer or pre-discharge requirements or procedures, is temporarily suspended. This includes, but is not limited to, strict compliance with the requirements and procedures under sections 20201(3)(e), 21776, 21777(1), and 21777(2) of the Public Health Code, MCL 333.20201(3)(e), MCL 333.21773(2), MCL 333.21776, MCL 333.21777(1), and MCL 333.21777(2), as well as Rules 325.1922(13)-(16), 400.1407(12), 400.2403(9), and 400.15302 of the Michigan Administrative Code.

#### **IV. Definitions and general provisions**

1. For purposes of this order:

(a) "Adult foster care facility" has the same meaning as provided by section 3(4) of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.703(4).

(b) "Alternate care facility" means any facility activated by the state to provide relief for hospitals that surge past their capacity,

(c) "Appropriate PPE" means the PPE that DHHS recommends in relevant guidance.

(d) "Assisted living facility" means an unlicensed establishment that offers community-based residential care for at least three unrelated adults who are either over the age of 65 or need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24-hours a day.

(e) "COVID-19-affected resident" means a resident of a long-term care facility who is COVID-19 positive, who is a person under investigation, or who displays one or more of the principal symptoms of COVID-19.

(f) "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).

(g) "Long-term care facility" means a nursing home, home for the aged, adult foster care facility, or assisted living facility.

(h) "Medically unstable" means a change in mental status or a significant change or abnormality in blood pressure, heart rate, oxygenation status, or laboratory results that warrants emergent medical evaluation.

(i) "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).

(j) "Person under investigation" means a person who is currently under investigation for having the virus that causes COVID-19.

(k) "Principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.

(l) "Regional hub" means a nursing home that is designated by DHHS as a dedicated facility to temporarily and exclusively care for and isolate COVID-19-affected residents. A regional hub must accept COVID-19-affected residents in accordance with relevant DHHS orders and guidance.

(m) "Swing bed" has the meaning provided by 42 CFR 413.114(b).

2. DHHS may issue orders and directives, and take any other actions pursuant to law, to implement this executive order.

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

4. Executive Order 2020-95 is rescinded.

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

Date: June 15, 2020

Time: 2:21 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following messages from the Governor were received and read:

June 12, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.18103:

**Michigan Board of Counseling**

Ms. Rotesa Baker of 15387 Prairie Street, Detroit, Michigan 48238, county of Wayne, succeeding Robyn Emde whose term expires June 30, 2020, appointed to represent members who are engaged primarily in teaching, training, or research in counseling, for a term commencing July 1, 2020 and expiring June 30, 2024.

Mr. Roberto G. Overton of 8110 Overton Trail, Berrien Center, Michigan 49102, county of Berrien, succeeding Gerald Papazian whose term expires June 30, 2020, appointed to represent members who are engaged primarily in providing counseling techniques, behavior modification techniques, or preventive techniques to clients, for a term commencing July 1, 2020 and expiring June 30, 2024.

June 12, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 469 of 2016, MCL 399.833:

**Michigan Historical Commission**

Mr. Timothy J. Chester of 371 Sunset Avenue, S.W., Grand Rapids, Michigan 49504, county of Kent, reappointed for a term commencing June 12, 2020 and expiring May 21, 2024.

Mrs. Robin R. Terry of 1365 Galena, Rochester Hills, Michigan 48306, county of Oakland, succeeding Susan Safford whose term has expired, appointed for a term commencing June 12, 2020 and expiring May 21, 2024.

Mr. Larry J. Wagenaar of 6431 Redington Drive, S.E., Ada, Michigan 49301, county of Kent, reappointed to represent the Historical Society of Michigan, for a term commencing June 12, 2020 and expiring May 21, 2024.

June 12, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 299 of 1980, MCL 339.303 and 339.2402

**Residential Builders' and Maintenance and Alteration Contractors' Board**

Mr. James R. Cowhy of 18616 Lehman Road, Manchester, Michigan 48158, county of Washtenaw, succeeding John Kelly whose term has expired, appointed to represent licensed residential builders, for a term commencing June 12, 2020 and expiring March 31, 2024.

Mr. Damien J. Nelson of 22384 Innsbrook Drive, Northville, Michigan 48167, county of Oakland, succeeding Matthew Zalewski whose term has expired, appointed to represent the general public, for a term commencing June 12, 2020 and expiring March 31, 2024.

Mr. Steven M. Swan of 10041 Oak Island Drive, Laingsburg, Michigan 48848, county of Shiawassee, succeeding Sidney Browne Jr. whose term has expired, appointed to represent the general public as a building inspector, for a term commencing June 12, 2020 and expiring March 31, 2024.

Mr. William Tanasse of 13660 Oneida Road, Grand Ledge, Michigan 48837, county of Eaton, succeeding William Adcock who has resigned, appointed to represent licensed residential builders, for a term commencing June 12, 2020 and expiring March 31, 2022.

Mr. Hassan Zayat of 34160 Wood Street, Livonia, Michigan 48154, county of Wayne, succeeding Jeffrey Donius whose term has expired, appointed to represent licensed maintenance and alteration contractors, for a term commencing June 12, 2020 and expiring March 31, 2024.

June 12, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 403 of 2004, MCL 338.3620:

**Michigan Unarmed Combat Commission**

Mr. Josh Bocks of 58215 Sunflower Circle, S., New Hudson, Michigan 48165, county of Oakland, reappointed to represent members who have experience, knowledge, or background in mixed martial arts, for a term commencing June 12, 2020 and expiring June 5, 2024.

Mrs. Sharon D. Kelly-Person of 25270 Waycross, Southfield, Michigan 48033, county of Oakland, succeeding Teresa Graham whose term has expired, appointed to represent the general public, for a term commencing June 12, 2020 and expiring June 5, 2024.

Ms. Anne M. Morrell of 1475 Antler Court, Rochester Hills, Michigan 48309, county of Oakland, succeeding Chris DeRose whose term has expired, appointed to represent members who have experience, knowledge, or background in mixed martial arts, for a term commencing June 12, 2020 and expiring June 5, 2024.



Mrs. Tammy Timlin of 13085 Speckledwood Drive, DeWitt, Michigan 48820, county of Clinton, succeeding Ed Pigeon whose term has expired, appointed to represent members who have experience, knowledge, or background in mixed martial arts, for a term commencing June 12, 2020 and expiring June 5, 2024.

Mr. John P. Toth of 14955 Farmbrook Drive, Plymouth, Michigan 48170, county of Wayne, succeeding Vincent Philip Viviano whose term has expired, appointed to represent members who have experience, knowledge, or background in mixed martial arts, for a term commencing June 12, 2020 and expiring June 5, 2024.

Dr. Donald B. Weatherspoon of 8942 E. Saginaw Street, Haslett, Michigan 48840, county of Clinton, reappointed to represent members who have experience, knowledge, or background in boxing, for a term commencing June 12, 2020 and expiring June 5, 2024.

June 12, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 451 of 1994, MCL 324.21524

**Michigan Underground Storage Tank Authority Board of Directors**

Mrs. Juman Doleh-Alomary of 2173 Stonebridge Way, Canton, Michigan 48188, county of Wayne, reappointed to represent the general public, for a term commencing June 12, 2020 and expiring May 25, 2023.

Mr. Bill Saad of 19517 Parke Lane, Grosse Ile, Michigan 48138, county of Wayne, reappointed to represent a statewide motor fuel retail association, for a term commencing June 12, 2020 and expiring May 25, 2023.

Respectfully,  
Gretchen Whitmer  
Governor

The appointments were referred to the Committee on Advice and Consent.

Senators Geiss and Santana entered the Senate Chamber.

**Recess**

Senator MacGregor moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

11:41 a.m.

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

During the recess, Senators Hertel, Hollier and Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

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

**House Bill No. 5341, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 407 (MCL 436.1407).

**House Bill No. 5342, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2016 PA 520.

**House Bill No. 5343, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 203a.

**House Bill No. 5344, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 609c (MCL 436.1609c), as added by 2017 PA 130.

**House Bill No. 5345, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 409 (MCL 436.1409), as amended by 2014 PA 48.

**House Bill No. 5346, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 301 (MCL 436.1301), as amended by 2014 PA 49.

**House Bill No. 5347, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 526 (MCL 436.1526), as added by 2008 PA 258.

**House Bill No. 5348, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 502 (MCL 436.1502), as added by 2017 PA 129.

**House Bill No. 5349, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 401 (MCL 436.1401).

**House Bill No. 5350, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 307 (MCL 436.1307), as amended by 2018 PA 406.

**House Bill No. 5351, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 111 (MCL 436.1111), as amended by 2018 PA 415.

**House Bill No. 5352, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 602.

**House Bill No. 5353, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537 (MCL 436.1537), as amended by 2018 PA 560.

**House Bill No. 5354, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 405 (MCL 436.1405), as amended by 2014 PA 353.

**House Bill No. 5355, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 609a (MCL 436.1609a), as added by 2016 PA 81.

**Senate Bill No. 963, entitled**

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

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

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

**House Bill No. 5400, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 109 (MCL 436.1109), as amended by 2018 PA 409.

Substitute (S-1)

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

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

**House Bill No. 5315, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2018 PA 479.

Substitute (S-1)

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**Senate Bill No. 963**

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

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

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

**Senate Bill No. 963**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 963, entitled**

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

The 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. 180****Yeas—38**

Alexander  
Ananich

Geiss  
Hertel

MacGregor  
McBroom

Santana  
Schmidt

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

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

Senators Hollier, Bullock, Wojno, Polehanki, Hertel, Geiss, Chang, Barrett, Ananich and Schmidt introduced

**Senate Bill No. 969, entitled**

A bill to amend 2019 PA 152, entitled “Lawful internet gaming act,” (MCL 432.301 to 432.322) by adding section 10a.

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

**Recess**

Senator MacGregor moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:00 noon.

12:13 p.m.

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

**Statements**

Senator Moss asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Moss’ statement is as follows:

Yesterday, the Supreme Court of the United States ruled that LGBTQ individuals are protected under federal law from employment discrimination on the basis of sex. Men who love men have been fired for it, but women who are in love with men are not fired for it. That is sex discrimination and it is now illegal in 50 states.

Countless suffered hardships to make this landmark decision possible, especially the late Aimee Stephens, a transgender Michigan woman. Her courage, along with the other plaintiffs, ensure members of the LGBTQ community are not only heard but protected under federal law. And I'll be honest with you—I was surprised by that ruling. LGBTQ activists, community members, support organizations, and legal scholars were preparing for defeat. We know our lives have worth and our work provides value. But time and time again, it has not been validated by others. It's not validated here in a Legislature that won't adopt a simple LGBTQ Pride Month resolution.

So, we were prepared to support and console one another with the forthcoming Supreme Court ruling. Instead, we were surprised that we were celebrating with one another. This 6-3 decision was affirmed by four justices appointed by Democratic presidents and two justices appointed by Republican presidents, including President Trump. I was surprised.

Here in Michigan, our Civil Rights Commission has been investigating claims of discrimination against LGBTQ Michiganders as sex discrimination for two years, which the Supreme Court has affirmed. And now we must extend these affirmed employment protections to housing and public accommodation as well. An LGBTQ person cannot be fired for who they are, but still may be evicted or denied services. We have the legislation in this chamber to fix this. I sponsored Senate Bill No. 351 last year to amend the Elliott-Larsen Civil Rights Act.

I'm making the appeal to the other side of the aisle—surprise me. Just like the composition of the conservative-led Supreme Court, we can't achieve equality this term without you. In the Supreme Court Public Opinion Project, the majority of Republicans surveyed in April and May supported LGBT rights in this chase. For the sexual orientation item, Democratic support was 90 percent and Republican support was 74 percent. For the transgender item, Democratic support was 86 percent and the Republican support was 69 percent. I saw a tweet today that Neil Gorsuch's conservative take is, Get off my land. Keep away from my gun. Stay out of my bedroom.

I'm not asking for you to become a hero or an activist. I'm asking you to represent your constituents—your LGBTQ constituents, your Republican constituents. No malice from our community from evolving, learning, and growing on this issue. We wouldn't gain wide-reaching support if not for people changing their minds.

Join the entire Democratic caucus in supporting this bill and ask the Senate Majority Leader to put it up for a vote. I welcome all of you to celebrate Pride Month with us and embrace equality.

### Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:21 p.m.

12:26 p.m.

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

### Announcements of Printing and Enrollment

The Secretary announced that the following bills and resolutions were printed and filed on Thursday, June 11 and are available on the Michigan Legislature website:

**Senate Bill Nos. 966 967 968**

**Senate Resolution Nos. 123 124**

**House Bills Nos. 5844 5845 5846 5847 5848 5849 5850 5851 5852 5853 5854 5855 5856 5857**

### Committee Reports

The Committee on Natural Resources reported

**Senate Bill No. 779, entitled**

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated

drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending sections 3a, 3b, and 3c (MCL 445.573a, 445.573b, and 445.573c), section 3a as added by 1989 PA 148, section 3b as amended by 1998 PA 473, and section 3c as amended by 1996 PA 384.

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

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

Ed McBroom

Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Thursday, June 11, 2020, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Bumstead, Outman, Schmidt and McCann

The Committee on Health Policy and Human Services reported

**Senate Bill No. 77, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20199 (MCL 333.20199) and by adding section 21788.

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

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

Curtis S. VanderWall

Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, June 11, 2020, at 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, June 11, 2020, at 12:00 noon, Room 403, 4th Floor, Capitol Building

Present: Senators Nesbitt (C), Theis, McBroom and Hertel

#### Scheduled Meetings

**Agriculture** - Thursday, June 18, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

**COVID-19 Pandemic Joint Select** - Thursday, June 18, 8:15 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

**Finance** - Wednesday, June 17, 12:00 noon, Room 403, 4th Floor, Capitol Building (517) 373-5312

**Health Policy and Human Services** - Thursday, June 18, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

**Natural Resources** - Wednesday, June 17, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

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

**Transportation and Infrastructure** - Wednesday, June 17, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 12:27 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, June 17, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate