

No. 56  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Tuesday, June 23, 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—excused  
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 Kevin Daley of the 31st District offered the following invocation:

Lord, when we see how the world is changing, sometimes we begin to feel unsure. Please give us the strength to do what You would expect from us as we go about our daily duties as State Senators. Help us to make decisions with Your word as our standard-bearer. Please let us follow only Your way. Let us hear all voices, especially those who believe in Your teachings. Let us celebrate and rejoice with those who do believe in You.

Help us to stand firm always as we gain our strength through faith, prayer, and study of Your word. Let us turn our heads from the things that destroy or weaken us. Let us say “no” to the forbidden that lasts for a short moment in time, looking ahead to the pleasures You have waiting for all who follow Your path to eternal glory. Thank You, Lord, for the wisdom to do what’s right for the people of the great state of Michigan, while keeping our eyes fixed on You.

I ask this in the name of Your Son, Jesus Christ, our Lord. Amen.

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

### Motions and Communications

Senator Hertel entered the Senate Chamber.

Senator MacGregor moved that Senators Schmidt and Shirkey be temporarily excused from today’s session. The motion prevailed.

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

Senator Chang moved that Senator Bullock 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 the Committee on Finance be discharged from further consideration of the following bill:

#### **Senate Bill No. 943, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator MacGregor moved that the bill be referred to the Committee on Appropriations.

The motion prevailed.

Senator MacGregor moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

#### **Senate Bill No. 956**

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

### Messages from the Governor

The following message from the Governor was received on June 18, 2020, and read:

EXECUTIVE ORDER  
No. 2020-127

#### **Declaration of state of emergency and state of disaster related to the COVID-19 pandemic**

#### **Rescission of Executive Order 2020-99**

On March 10, 2020, I issued Executive Order 2020-4, which declared a state of emergency in Michigan to address the COVID-19 pandemic. This disease, caused by a novel coronavirus not previously identified in

humans, can easily spread from person to person and can result in serious illness or death. There is currently no approved vaccine or antiviral treatment.

Scarcely three weeks later, the virus had spread across Michigan. As of April 1, 2020, the state had 9,334 confirmed cases of COVID-19 and 337 deaths from the disease, with many thousands more infected but not yet tested. Exactly one month later, this number had ballooned to 42,356 confirmed cases and 3,866 deaths from the disease—a tenfold increase in deaths. The virus's rapid spread threatened to overwhelm the state's health care system: hospitals in multiple counties were reportedly at or near capacity; medical personnel, supplies, and resources necessary to treat COVID-19 patients were in high demand but short supply; dormitories and a convention center were being converted to temporary field hospitals.

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. Like Executive Order 2020-4, this declaration was based on multiple independent authorities: 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.* On April 7, 2020, the Michigan legislature adopted a concurrent resolution to extend the states of emergency and disaster declared under the Emergency Management Act until April 30, 2020.

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 have been appealed; the Court of Appeals has ordered oral argument to be held in August.

Since I first declared an emergency in response to this pandemic, my administration has taken aggressive measures to fight the spread of COVID-19, prevent the rapid depletion of this state's critical health care resources, and avoid needless deaths. The best way to slow the spread of the virus is for people to stay home and keep their distance from others. To that end, and in keeping with the recommendations of public health experts, I issued orders restricting access to places of public accommodation and school buildings, limiting gatherings and travel, and requiring workers who are not necessary to sustain or protect life to remain at home. I also issued orders enhancing the operational capacity and efficiency of health care facilities and operations, allowing health care professionals to practice to the full extent of their training regardless of licensure, and facilitating the delivery of goods, supplies, equipment, and personnel that are needed to combat this pandemic. And I took steps to build the public health infrastructure in this state that is necessary to contain the spread of infection.

My administration also moved to mitigate the economic and social harms of this pandemic. Through my orders, we placed strict rules on businesses to prevent price gouging, put a temporary hold on evictions, expanded eligibility for unemployment benefits, provided protections to workers who stay home when they or their close contacts are sick, and created a structure through which our schools can continue to provide their students with the highest level of educational opportunities possible under the difficult circumstances now before us.

These statewide measures have been effective. A report released by the Imperial College COVID-19 Response Team, for example, shows that my actions have significantly lowered the number of cases and deaths that would have occurred had the state done nothing.

With the steep reduction in our case counts, I have moved progressively in recent weeks to relax restrictions on business activities and daily life. On June 1, I announced that most of the state would move to Phase 4 of my Safe Start plan, thereby allowing retailers and restaurants to resume operations. Hair salons and other personal care services followed two weeks later. And on June 10, I moved the Upper Peninsula and the region surrounding Traverse City to Phase 5, allowing for the reopening of movie theaters, gyms, bowling alleys, and other businesses. If current trends persist, I hope to move the rest of the state to Phase 5 by July 4.

But this global pandemic is far from over. Though its pace of growth has slowed, the virus remains aggressive and persistent: to date, there have been 60,393 confirmed cases of COVID-19 in Michigan, and 5,792 deaths from the disease. There is still no treatment for the virus and it remains easy to transmit. A second wave poses an ongoing threat. States in the South and West are already seeing sharp upticks in cases; just two days ago, Arizona, Florida, and Texas all reported record highs in their daily case counts. Michigan could easily join them if we relax our vigilance.

The concern is especially acute because Michigan's more rural counties will see an increasing number of out-of-town visitors this summer. The residents of these rural counties are among the most vulnerable to

COVID-19, with older populations and rates of chronic illness among the highest in the state. Twenty-one of Michigan's eighty-three counties—all rural—have a median age over 50, and nearly 30% of Michigan's rural population is 65 or older. These rural areas tend to be miles away from larger hospitals with the personnel, beds, and equipment to fight this virus.

Whatever happens with COVID-19 in the future, the state has already suffered immense economic damage. Between March 15 and May 30, Michigan received 2.2 million initial unemployment claims—the fifth-highest nationally, amounting to more than a third of the Michigan workforce. During this crisis, Michigan has often processed more unemployment claims in a single day than in the most painful week of the Great Recession, and the state already saw its highest unemployment rate since the Great Depression (22.7% in April). Between March 15 and May 21, Michigan paid out over \$7 billion in benefits to eligible Michiganders. The Michigan Department of Treasury predicts that this year the state will lose between \$1 and \$3 billion in revenue. As a result, local governments will be hard-pressed to provide essential services to their communities and many families in Michigan will struggle to pay their bills or even put food on the table.

So too will the pandemic continue to disrupt our homes and our educational, civic, social, and religious institutions. Transitioning almost overnight to a distance-learning environment has placed strain on educators, students, and parents alike. Performance and indoor sporting venues remain closed across most of the state, limiting people's ability to enrich themselves or interact with their community. And curtailing gatherings has left many seeking new ways to connect with their friends and families. Life will not be back to normal for some time to come.

The health, economic, and social harms of the COVID-19 pandemic thus remain widespread and severe, and they continue to constitute a statewide emergency and disaster. Though local health departments have some limited capacity to respond to cases as they arise within their jurisdictions, state emergency operations are necessary to bring this pandemic under control in Michigan and to build and maintain infrastructure to stop the spread of COVID-19, trace infections, and quickly direct additional resources to hot-spots as they emerge. State assistance to bolster health care capacity and flexibility also has been, and will continue to be, critical to saving lives, protecting public health and safety, and averting catastrophe. Moreover, state disaster and emergency recovery efforts remain necessary not only to support Michiganders in need due to the economic effects of this pandemic, but also to ensure that the prospect of lost income does not impel workers who may be infected to report to work.

Statewide coordination of these efforts is crucial to creating a stable path to recovery. Until that recovery is underway, the economic and fiscal harms from this pandemic have been contained, and the threats posed by COVID-19 to life and the public health, safety, and welfare of this state have been neutralized, statewide disaster and emergency conditions will exist.

With this order, Executive Order 2020-99 is rescinded.

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

1. The COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan.
2. This order constitutes a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. Subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act of 1976 when emergency and disaster conditions exist yet the legislature has not granted an extension request, this order constitutes a state of emergency and state of disaster declaration under that act.
3. This order is effective immediately and continues through July 16, 2020 at 11:59 p.m. I will evaluate the continuing need for this order.
4. Executive Order 2020-99 is rescinded. All previous orders that rested on that order now rest on this order.

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

Date: June 18, 2020

Time: 1:55 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 18, 2020, and read:

EXECUTIVE ORDER  
No. 2020-128

**Clarifying WDCA Eligibility for Workplace Exposure to COVID-19**

**Rescission of Executive Order 2020-125**

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.

These 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 June 18, 2020, I issued Executive Order 2020-127, 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 had 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.

Michigan's COVID-19-response workers face regular exposure to a deadly and highly contagious virus. They do so to ensure that Michiganders have access to emergency medical care; that Michigan's laws are enforced; that prisoners and pretrial detainees in state and local custody receive their constitutionally guaranteed rights; and that the safety and security of the State and its citizens remains protected.

The Workers' Disability Compensation Act of 1969 (WDCA), MCL 418.101 *et seq.*, affords important protections to Michigan's workers and employers. In effectuating these protections, section 418.401 of the WDCA requires an employee seeking entitlement to wage-loss benefits to demonstrate, in part, the existence of a work-related injury that prevents the employee from performing his or her job duties. But due to the possibility of asymptomatic transfer of COVID-19, requiring a COVID-19-response employee to affirmatively demonstrate that they contracted COVID-19 in the course of their employment unduly shifts risk to the worker, and may therefore hinder Michigan's emergency response by undermining confidence in the worker's compensation system among the most critical members of the workforce.

Executive Order 2020-125 assured COVID-19-response employees of their eligibility for WDCA coverage when injured or disabled by COVID-19 infection at work. This order clarifies the scope of that order. With this order, Executive Order 2020-125 is rescinded.

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

1. "COVID-19-response employee" means an employee whose job responsibilities require them to have regular or prolonged contact with COVID-19 in the course of their employment. For purposes of this order, the following individuals are COVID-19-response employees:

(a) A person who is required to report to work in one of the following workplaces:

(1) An ambulance operation, as that term is defined in section 20902(5) of the Public Health Code, 1978 PA 368, as amended, MCL 333.20902(5), including advanced mobile emergency care services;

(2) A county medical care facility, as that term is defined in section 20104(3) of the Public Health Code, MCL 333.20104(3);

(3) An emergency response service, as that term is defined in section 102(m) of the Emergency 9-1-1 Service Enabling Act, 1986 PA 32, as amended, MCL 484.1102(m);

(4) A home for the aged, as that term is defined in section 20106(3) of the Public Health Code, MCL 333.20106(3);

(5) A hospice, as that term is defined in section 20106(4) of the Public Health Code, MCL 333.20106(4);

(6) A hospital, as that term is defined in section 20106(5) of the Public Health Code, MCL 333.20106(5);  
or

(7) A nursing home, as that term is defined in section 20109(1) of the Public Health Code, MCL 333.20109(1).

(b) A person working in a home health agency, as that term is defined in section 20173a(15)(f) of the Public Health Code, MCL 333.20173a(15)(f), or a visiting nurse association, who is required to provide in-person medical care to patients.

(c) A person working as a physician, physician assistant, licensed practical nurse, registered professional nurse, medical first responder, nurse, emergency medical technician, emergency medical technician specialist, paramedic, or respiratory therapist who is required to provide in-person medical care to patients.

(d) A law enforcement officer, as that term is defined in section 2(f) of the Michigan Commission on Law Enforcement Standards Act, 1965 PA 203, as amended, MCL 28.602(f), to the extent the law enforcement officer is required to report to work and interact with the general public.

(e) A motor carrier officer within the Michigan Department of State Police as described in section 6d of the Michigan State Police Act, 1935 PA 59, as amended, MCL 28.6d.

(f) A firefighter, as that term is defined in section 1(n) of the Fire Prevention Code, 1941 PA 207, as amended, MCL 29.1(n).

(g) A member of an emergency rescue team, as described in section 161(j) of the WDCA, MCL 418.161(j), to the extent that the member is required to report to work and interact with the general public.

(h) A volunteer civil defense worker, as described in section 161(g) of the WDCA, MCL 418.161(g), to the extent that the worker is required to report to work.

(i) An on-call member of a life support agency, as described in section 161(h) and (i) of the WDCA, MCL 418.161(h) and (i), to the extent the member is required to report to work.

(j) A state or local government employee that is required to work within the secured perimeter of a penal institution, including but not limited to correctional facilities, jails, and detention centers.

2. For purposes of the WDCA, and subject to rebuttal by specific facts to the contrary, a COVID-19-response employee who is confirmed as COVID-19 positive on or after March 18, 2020, either by physician or by test, shall be presumed to have suffered a "personal injury," as that term is defined by section 401(2)(b) of the WDCA, MCL 418.401(2)(b).

3. The Director of the Department of Labor and Economic Opportunity (LEO) is authorized to issue orders and directives necessary to implement this executive order.

4. This order replaces the emergency rules that LEO filed with the Secretary of State on March 30, 2020; those rules are hereby suspended.

5. If any portion of this order is finally adjudicated invalid, section 4 is void.

6. This order is effective immediately and does not terminate until the end of the states of emergency and disaster declared in Executive Order 2020-127 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.

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

Date: June 18, 2020

Time: 3:16 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 19, 2020, and read:

EXECUTIVE ORDER  
No. 2020-129

**Temporary authorization of remote participation in public meetings  
and hearings and temporary relief from monthly meeting  
requirements for school boards**

**Rescission of Executive Order 2020-75**

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 June 18, 2020, I issued Executive Order 2020-127, 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 had 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 mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings.

To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency, including actions to respond to COVID-19, and the general public must be able to continue to participate in government decision-making without unduly compromising public health, safety, and welfare.

Executive Order 2020-75 provided this limited and temporary relief from certain rules and procedures. This order extends the duration of that relief, 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 2020-75 is rescinded.

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

1. To the extent that the Open Meetings Act (“OMA”), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements, as follows:

(a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.

(b) A meeting of a public body held electronically must be conducted in a manner that permits two-way communication so that members of the public body can hear and be heard by other members of the public body and so that general public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. The public body may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants to satisfy the requirement that members of the public can be heard by others during the meeting.

(c) Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.

(d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA.

(e) If a public body directly or indirectly maintains an official internet presence, the public body must, consistent with and in addition to any other applicable notice requirements under the OMA, post advance notice of a meeting held electronically on a portion of the public body’s website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following:

(1) An explanation of the reason why the public body is meeting electronically.

(2) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.

(3) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.

(4) Procedures by which persons with disabilities may participate in the meeting.

(f) The right of a person to participate in a meeting of a public body held electronically includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the public body at a public meeting. The exercise of this right does not depend on the prior approval of the



public body. However, a public body may establish reasonable rules and regulations to minimize the possibility of disrupting the meeting.

(g) A public body may not require a person as a condition of participating in a meeting of the public body held electronically to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in a public comment period of the meeting.

(h) A person must be permitted to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting.

(i) During a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes.

(j) If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body's website homepage an agenda and other materials relating to the meeting.

(k) Members of the general public otherwise participating in a meeting of a public body held electronically may be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.

2. A public body holding a meeting electronically as provided under this order is encouraged to do so in a manner that effectuates as fully as possible the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Discussions or deliberations at an open meeting that cannot at a minimum be heard by the general public participating in the meeting are contrary to these purposes. Accordingly, members of a public body must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision, and must avoid "round-the-horn" decision-making in a manner not accessible to the public at an open meeting.

3. If a decision or other action of a public body complies with the requirements of this order and the other requirements of the OMA, it must be considered to comply with the OMA.

4. If a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public's ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, also is permitted.

5. Strict compliance with subsection 6 of section 11a, subsection 7 of section 384, and subsection 1 of section 418a of the Revised School Code, 1976 PA 451, as amended, MCL 380.11a(6), MCL 380.384(7), and MCL 380.418a(1), is temporarily suspended so as not to require school district boards to hold meetings at least once each month.

6. Nothing in this order permits a public body to limit or restrict the rights of the press or other news media. Members of public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held electronically and to members of public bodies.

7. As used in this order, the terms "decision," "meeting," and "public body" mean those terms as defined under section 2 of the OMA, MCL 15.262, except this order does not apply to state legislative bodies.

8. A provision of this order will prevail over any conflicting provision of a local charter, ordinance, or rule.

9. This order supersedes sections 2 and 3 of Executive Directive 2020-2.

10. This order is effective immediately and continues through July 31, 2020.

11. Executive Order 2020-75 is rescinded.

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

Date: June 18, 2020

Time: 7:44 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

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

EXECUTIVE ORDER  
No. 2020-130

**Executive Office of the Governor**

**Michigan Statewide Independent Living Council**

**Rescission of Executive Order 2016-11**

Many Michigan residents have one or more disabilities. Disability in no way diminishes the right to live independently, enjoy self-determination, make choices, contribute to society, pursue a meaningful career, and enjoy full inclusion and integration in the economic, political, social, cultural, and educational institutions of our society.

The State of Michigan shares the federal government's goal of providing persons with disabilities the tools necessary to make informed choices and decisions and to achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency.

To be eligible to receive federal assistance under Title VII of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 796 *et seq.*, a state must establish and maintain a statewide independent living council, consistent with the requirements set forth in 29 USC 796d.

The Michigan Statewide Independent Living Council has been periodically reestablished over the years, most recently under Executive Order 2016-11. Reestablishment of this Council at this time is necessary to ensure compliance with current requirements under federal law and to further strengthen working relationships among the Council and entities providing services to individuals with disabilities, centers for independent living, and other programs.

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

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

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

**1. Creating the Michigan Statewide Independent Living Council**

(a) The Michigan Statewide Independent Living Council (the "Council") is created within the Executive Office of the Governor.

(b) The Council must be composed of members who provide statewide representation, represent a broad range of individuals with disabilities from diverse backgrounds, and are knowledgeable about centers for independent living and independent living services. A majority of the members of the Council must be individuals with disabilities who are not employed by a center for independent living or any agency of the State of Michigan.

(c) The Council must include the following 11 voting members appointed by the governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities:

(1) One director of a center for independent living chosen by the directors of centers for independent living within this state.

(2) One individual representing parents or guardians of individuals with disabilities.

(3) One individual representing advocates of, and for, individuals with disabilities.

(4) One individual representing organizations that provide services for individuals with disabilities, including, but not limited to, private businesses.

(5) Seven other residents of this state, including residents who represent the underserved or tribal communities.

A majority of the voting members of the Council must be individuals with disabilities who are not employed by a center for independent living or any agency of the State of Michigan.

(d) In addition to the voting members of the Council appointed under section 1(c) of this order, the Council must include the following 5 non-voting ex officio members appointed by the governor, representing the designated state entity and representatives from agencies of the State of Michigan providing services for individuals with disabilities:

(1) The director of Michigan Rehabilitation Services, or the director's designee.

(2) The director of the Bureau of Services for Blind Persons, or the director's designee.

(3) A representative from the Michigan Department of Civil Rights, designated by the director of that department, who works in that department's Division on Deaf, Blind and Hard of Hearing.

(4) A representative from the Michigan Department of Education, designated by the Superintendent of Public Instruction, who works in that department's Office of Special Education.

(5) A representative from the Department of Health and Human Services, designated by the director of that department, with knowledge of all programs within that department impacting individuals with disabilities.

(e) Of the voting members of the Council initially appointed under section 1(c) of this order, three members must be appointed for a term expiring on December 31, 2021, four members must be appointed for a term expiring on December 31, 2022, and four members must be appointed for a term expiring on December 31, 2023. After the initial appointments, a member of the Council appointed under section 1(c) of this order must be appointed for a term of three years.

(f) A vacancy on the Council must be filled in the same manner as the original appointment. An appointment to fill a vacancy created other than by the expiration of the term of a member of the Council shall be for the remainder of the unexpired term. A vacancy on the Council shall not affect the power of the remaining members to execute the duties of the Council.

(g) Except as provided in subsections (e) and (f) of this section, an appointment to the Council must be for a term of three years. A member of the Council may be reappointed, but no member of the Council may serve more than two consecutive full terms.

## **2. Charge to the Council**

(a) The Council must do all of the following:

(1) Develop the state plan as provided in Section 704(a)(2) of the Rehabilitation Act of 1973, 29 USC 796c(a)(2).

(2) Monitor, review, and evaluate the implementation of the state plan.

(3) Meet regularly and ensure that meetings of the Council are open to the public and that sufficient advance notice of such meetings is provided.

(4) Submit reports to the United States Department of Health and Human Services, as that department's Administrator of the Administration for Community Living may reasonably request. The Council must also keep such records, and provide the Administrator access to such records, that the Administrator finds necessary to verify the reports. Copies of any reports submitted under this subsection must be transmitted to the governor and the members of the Council.

(5) Coordinate activities, as appropriate, with other entities in this state that provide services similar or complementary to independent living services, such as entities providing long-term community-based services and support or entities facilitating the provision of such services and support.

(b) Consistent with the state plan, the Council may do the following, unless prohibited by the laws of this state:

(1) Work with centers for independent living to coordinate services with public and private entities to improve services provided to individuals with disabilities.

(2) Conduct resource development activities to support the Council and the provision of independent living services by centers for independent living.

(3) Perform other comparable functions the Council deems appropriate, consistent with the purpose set forth in Section 701 of the Rehabilitation Act of 1973, 29 USC 796.

(c) The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.

## **3. Council Operations**

(a) The Council must adopt procedures consistent with this order and applicable law governing its organization and operations.

(b) The Council must select from among the voting members of the Council a member to serve as chairperson of the Council, and may select from among the voting members of the Council other officers as the Council deems necessary.

(c) A majority of the voting members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its voting members serving.

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

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

(f) The Council may, as appropriate, make inquiries, studies, investigations, hold hearings and forums, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

(g) The Council must prepare, in conjunction with the designated state entity, a resource plan for the provision of resources, including staff and personnel, as may be necessary and sufficient to carry out the state plan, with funds made available under Title VII of the Rehabilitation Act of 1973, 29 USC 796 *et seq.*, and under Section 110 of the Rehabilitation Act of 1973, 29 USC 730, consistent with Section 101(a)(18) of the Rehabilitation Act of 1973, 29 USC 721(a)(18), and from other public and private sources. The resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the resource plan.

(h) The Council must supervise and evaluate staff and personnel performing duties for the Council under the resource plan adopted under section 3(g) of this order, as may be necessary to carry out the functions of the Council under this order.

(i) While assisting the Council in carrying out its duties, staff and other personnel performing duties pursuant to the resource plan adopted under section 3(g) of this order must not be assigned duties by the designated state entity or any other State agency or office that would create a conflict of interest.

(j) In accordance with federal law, the Council may use resources available under the resource plan adopted under section 3(g) of this order to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings, and to pay reasonable compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

(k) The Council may enter into agreements with departments and agencies of this State to assist the Council in the performance of its duties and responsibilities under this order.

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

(m) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(n) The Council must comply with the Freedom of Information Act (FOIA), 1976 PA 442, as amended, MCL 15.231 to 15.246. In so doing, the Council must, among other things, designate a FOIA coordinator for the Council and develop and implement the processes, procedures, and guidelines required of public bodies under the FOIA. Moreover, the Council will not receive any services or resources of any kind from any private agency that pays for staff who support the Council, unless the private agency agrees to comply with FOIA as if the private agency were a public body and as to all writings otherwise subject to FOIA that are created or modified on or after the effective date of this order. The Council may designate a person employed by a private agency that pays for staff who support the Council to serve as the FOIA coordinator for both the Council and the private agency.

(o) Members of the Council must refer all legal, legislative, and media contacts relating to Council actions or activities to the Executive Office of the Governor.

#### **4. Rescission of Executive Order 2016-11**

(a) Executive Order 2016-11 is rescinded. The Michigan Statewide Living Council established under Executive Order 2016-11 is abolished.

#### **5. Definitions**

(a) As used in this order:

(1) "Center for independent living" means that phrase as defined under Section 702(2) of the Rehabilitation Act of 1973, 29 USC 796a(2).

(2) "Disability" means that term as defined under Section 7(9) of the Rehabilitation Act of 1973, 29 USC 705(9).

(3) "Designated state entity" means that entity described in Section 704(c) of the Rehabilitation Act of 1973, 29 USC 796c(c).

(4) "Independent living services" means that phrase as defined under Section 7(18) of the Rehabilitation Act of 1973, 29 USC 705(18).

(5) "Individual with a disability" means that phrase as defined under Section 7(20)(B) of the Rehabilitation Act of 1973, 29 USC 705(20)(B).

(6) "State plan" means the state plan for independent living required by Section 704 of the Rehabilitation Act of 1973, 29 USC 796c.

#### **6. Implementation**

(a) All state departments and agencies shall cooperate, to their best ability, with the Council in the performance of its duties and responsibilities under this order. The Council may request of state departments and agencies information and assistance as the Council requires in the performance of its duties and responsibilities under this order.

(b) Any rules, orders, contracts, and agreements related to the Council lawfully in effect prior to the effective date of this order shall continue to be effective until revised, amended, or repealed.

(c) This order is not intended to abate a proceeding commenced by, against, or before an entity affected by this order. A proceeding may be maintained by, against, or before the successor of any entity affected under this order.

(d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

(e) This order takes effect on July 15, 2020 at 12:01 a.m.

Given under my hand and the great seal of the State of Michigan.

Date: June 19, 2020

Time: 10:50 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.

Senator Shirkey entered the Senate Chamber.

The following messages from the Governor were received and read:

June 19, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121, 333.16122 and 333.16907:

**Michigan Board of Marriage and Family Therapy**

Ms. Tiffany Bush of 10664 Fitzgerald Boulevard, Ferndale, Michigan 48220, county of Oakland, succeeding Madeline Timmer whose term expires June 30, 2020, appointed to represent public members, for a term commencing July 1, 2020 and expiring June 30, 2024.

Dr. Kendal N. Holtrop of 3798 Crooked Creek, Okemos, Michigan 48864, county of Ingham, reappointed to represent licensed marriage and family therapists, for a term commencing July 1, 2020 and expiring June 30, 2024.

June 19, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Executive Order No. 2019-13, MCL 125.1998:

**Unemployment Insurance Appeals Commission**

Mr. William J. Runco of 100 N. Brady Road, Dearborn, Michigan 48124, county of Wayne, reappointed for a term commencing August 1, 2020 and expiring July 31, 2024.

June 19, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 317 of 1969, MCL 418.511:

**Workers' Disability Compensation Agency Funds Administration Board of Trustees**

Mr. Jerome K. Hooper, Jr. of 16925 Martin Road, Roseville, Michigan 48066, county of Macomb, reappointed to represent employers who have been authorized to act as self-insurers, for a term commencing June 19, 2020 and expiring April 30, 2024.

Respectfully,  
Gretchen Whitmer  
Governor

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Schmidt and Ananich entered the Senate Chamber.

Senators Hertel, Horn, Polehanki, Wojno, Geiss, MacGregor, Chang, Alexander, Bullock, Ananich, Brinks, Bizon, Hollier and Bayer introduced

**Senate Bill No. 979, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 9208 and 9227 (MCL 333.9208 and 333.9227), section 9208 as amended by 2013 PA 120 and section 9227 as amended by 2006 PA 91.

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

Senators Hertel, Horn, Polehanki, Wojno, Geiss, MacGregor, Chang, Alexander, Bullock, Ananich, Brinks, Bizon, Hollier, Zorn and Bayer introduced

**Senate Bill No. 980, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 167 (MCL 388.1767), as amended by 2013 PA 122.

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

Senators Hertel, Polehanki, Wojno, Geiss, Horn, MacGregor, Chang, Alexander, Bullock, Ananich, Brinks, Bizon, Zorn, Hollier and Bayer introduced

**Senate Bill No. 981, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1177 (MCL 380.1177), as amended by 2013 PA 121.

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

**House Bill No. 5482, entitled**

A bill to provide for certain requirements regarding suicide prevention for schools; to prescribe the rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for and prescribe the powers and duties of certain state departments; and to provide for the regulation of certain school employees.

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 Health Policy and Human Services.

**House Bill No. 5761, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

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 Appropriations.

**House Bill No. 5810, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 44f.

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 Appropriations.

**House Bill No. 5811, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 537a.

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.

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.

**House Bill No. 5827, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16651 (MCL 333.16651), as added by 2018 PA 463.

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 Health Policy and Human Services.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The following communication was received:

Office of Senator Kimberly A. LaSata

June 18, 2020

I respectfully request to be added as a co-sponsor of Senate Bill 976, sponsored by Senator Sylvia Santana.

Sincerely,  
Kim LaSata  
State Senator  
21st District

The communication was referred to the Secretary for record.

The following communication was received:

Office of Senator Jim Ananich

June 23, 2020

I respectfully request that my name be added as a cosponsor to Senate Bills 954 and 955.

Thank you.

Sincerely,  
Jim Ananich  
Senate Minority Leader  
District 27

The communication was referred to the Secretary for record.

**Recess**

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

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

11:23 a.m.

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

During the recess, Senator Hollier entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 128**

The motion prevailed.

Senators Hollier, Alexander, Ananich, Chang, Geiss, Bullock, McCann, Brinks, Polehanki, McMorrow, Irwin, McBroom, Wojno, Moss, Hertel, Santana, Schmidt, Bayer and Bumstead offered the following resolution:

**Senate Resolution No. 128.**

A resolution to express support for a bi-partisan discussion on renaming military installations currently named after Confederate generals.



Whereas, The United States Civil War pitted northern states against southern states over a range of issues, but the primary division arose due to differences in ideologies regarding state's rights and slavery. The Confederate Army was created to fight the United States government and preserve southern states rights to own human beings as property. Several military officers resigned their U.S. Army commissions to join the Confederacy; and

Whereas, Michigan had a strong presence in the Civil War and significantly contributed to the success of the Union Army. More than 90,000 Michigan men and 30 regiments of infantry served in the Union Army, engaging Confederate soldiers on more than 800 occasions; and

Whereas, Ten federal military installations in the U.S. are named after Confederate generals, men who led the rebellion against the United States government. The choice of these generals does not reflect military prowess, principles, or inspiration. Several of these men were not only ineffective military leaders but were the living embodiment of the Confederacy; and

Whereas, These installations are home to our service members who have pledged their lives to support and defend the U.S. Constitution. Men and women who live and work at bases named for those who took up arms against the very United States the soldiers pledge to protect; and

Whereas, While the installations are named after individuals, it is impossible to disentangle the racist ideology embedded in Confederate symbols. Similar to the way Confederate flags continue to be touted by white supremacists to incite racial tensions, using names of Confederate soldiers acts as a symbol of the Confederate cause. Continuing to use these names amounts to the same expression of allegiance to the Confederacy as the use of any other Confederate symbol; and

Whereas, Active duty enlistment draws more heavily from the African American population in the U.S. than their makeup in the general population. African American soldiers are assigned to military installations named after men who not only rebelled against the United States government but did so to preserve a tradition of slavery. It is horrific that we ask brave men and women who protect this country to do so under the names of individuals who fought to oppress and enslave them because of their race; and

Whereas, Allowing the names of Confederate generals to remain on federal military installations suggests that the United States supports the Confederacy and all that it stood for: racism, bigotry, and hatred. The names of military installations should not honor a legacy of treason and slavery that embodies the Civil War; and

Whereas, The Army's current naming policy provides that memorializations will honor deceased heroes and distinguished individuals of all races who serve as inspirations to their fellow soldiers. The Chief of Staff of the U.S. Army is open to talking about renaming of military installations; now, therefore, be it

Resolved by the Senate, That we support a bi-partisan discussion on renaming military installations currently named after Confederate generals; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Secretary of Defense, the Chief of Staff of the U.S. Army, the President of the United States Senate, the Speaker of the Michigan House of Representatives, 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 Families, Seniors, and Veterans.

The motion prevailed.

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

**Senate Concurrent Resolution No. 28**

The motion prevailed.

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

**Senate Concurrent Resolution No. 28.**

A concurrent resolution to express support for a bi-partisan discussion on renaming military installations currently named after Confederate generals.

Whereas, The United States Civil War pitted northern states against southern states over a range of issues, but the primary division arose due to differences in ideologies regarding state's rights and slavery. The Confederate Army was created to fight the United States government and preserve southern states rights to own human beings as property. Several military officers resigned their U.S. Army commissions to join the Confederacy; and

Whereas, Michigan had a strong presence in the Civil War and significantly contributed to the success of the Union Army. More than 90,000 Michigan men and 30 regiments of infantry served in the Union Army, engaging Confederate soldiers on more than 800 occasions; and

Whereas, Ten federal military installations in the U.S. are named after Confederate generals, men who led the rebellion against the United States government. The choice of these generals does not reflect military prowess, principles, or inspiration. Several of these men were not only ineffective military leaders but were the living embodiment of the Confederacy; and

Whereas, These installations are home to our service members who have pledged their lives to support and defend the U.S. Constitution. Men and women who live and work at bases named for those who took up arms against the very United States the soldiers pledge to protect; and

Whereas, While the installations are named after individuals, it is impossible to disentangle the racist ideology embedded in Confederate symbols. Similar to the way Confederate flags continue to be touted by white supremacists to incite racial tensions, using names of Confederate soldiers acts as a symbol of the Confederate cause. Continuing to use these names amounts to the same expression of allegiance to the Confederacy as the use of any other Confederate symbol; and

Whereas, Active duty enlistment draws more heavily from the African American population in the U.S. than their makeup in the general population. African American soldiers are assigned to military installations named after men who not only rebelled against the United States government but did so to preserve a tradition of slavery. It is horrific that we ask brave men and women who protect this country to do so under the names of individuals who fought to oppress and enslave them because of their race; and

Whereas, Allowing the names of Confederate generals to remain on federal military installations suggests that the United States supports the Confederacy and all that it stood for: racism, bigotry, and hatred. The names of military installations should not honor a legacy of treason and slavery that embodies the Civil War; and

Whereas, The Army's current naming policy provides that memorializations will honor deceased heroes and distinguished individuals of all races who serve as inspirations to their fellow soldiers. The Chief of Staff of the U.S. Army is open to talking about renaming of military installations; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we support a bi-partisan discussion on renaming military installations currently named after Confederate generals; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Secretary of Defense, the Chief of Staff of the U.S. Army, the President of the United States Senate, the Speaker of the Michigan House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator MacGregor moved that the concurrent resolution be referred to the Committee on Families, Seniors, and Veterans.

The motion prevailed.

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

**House Concurrent Resolution No. 24**

The motion prevailed.

**House Concurrent Resolution No. 24.**

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 House of Representatives (the Senate concurring), That we demand that the Governor compile and make available within seven 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 if the Governor issues any new executive orders pertaining to elective and preventive care procedures, 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.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator MacGregor moved that consideration of the concurrent resolution be postponed for today.

The motion prevailed.

### **Recess**

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

The motion prevailed, the time being 11:26 a.m.

11:41 a.m.

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

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

Senator MacGregor moved that the Senate proceed to consideration of the following bill:  
**Senate Bill No. 779**  
The motion prevailed.

The following bill was read a third time:  
**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.

The question being on the passage of the bill,  
The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 224**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Bullock

**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  
**Statements**

Senators Hollier and Geiss asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.  
The motion prevailed.

Senator Hollier's statement is as follows:

I'd like to share a quick story that my father shared at my ceremonial swearing-in. Today, Dr. Martin Luther King started with a march. He gave the speech that we all know as the I Have a Dream speech. For all of you who have been around Detroit, you know how important that speech was in D.C., but the movement was really kicking off in Detroit, and my dad went to a baseball game. At that moment, he was deciding—should he go to this march or should he go to a baseball game—and he chose the baseball game. The entire rest of his life, he'd always say to me, "When things are happening, you should be there. When there's an opportunity to make a difference, you should make a difference. When there's a chance to stand, you should stand."

As a new father, I recognize particularly how when you tell your kids something and they learn a lesson, sometimes they learn that lesson too good. When I was ten years old, I wanted to go to the Million Man March—a march where Black people, particularly Black men, from all across the country descended upon D.C. in a similar vein to talk about the same things we're talking about today. Not just police brutality, but systemic racism, systemic inequities, to talk about what we need to do as a community. It was a magical experience. It was an experience that I can't share—I can't tell you how amazing it was—but I can tell you what a difference it made in my life. While we were there, they were talking about people and so much of the march was about the Million Man March; it was saying, Were there a million people there? As I did that, my dad explained the crowd size and we took a photo from the Washington Monument to look down on it. We gave that photo to Mayor Archer, and Mayor Archer told me it's rare that when you find something, you see a problem, that you want to fix it. He said, You should think about doing this.

The reason I stand here before you is because when Dr. King came to Detroit, my dad went to a baseball game. And because he went to a baseball game, he told me not to miss my opportunity to make a difference. He told me that you couldn't stand by and let history happen because we made the difference—because you make the difference—and that's what happened in Detroit. That's what you saw. You saw a movement and you saw magic. You all know the speech. You all learn it during Black History Month. But as a student in the Detroit Public Schools, you hear about how Dr. King gave that speech here first. You hear about what that means, and the reason I bring that up in this chamber is because all of us have an opportunity—an opportunity to stand up and say that we think what's going on is unacceptable, and I know many of you do.

I appreciate all my colleagues who are stepping up to do those kinds of things because we still have so far left to go, but that was the point of the speech. That is the point of the movement. That's why we all ran for office. That's why we are all here today—because we know in our heart of hearts that we want to be on the field, that we want to make a difference, and that we can. As you think about today, as you think about the movements, and you think about the marches, and you think about change, remember—you're in this seat because you wanted to make a difference and now is your chance. When you look back in history and you say, Where was I 50 years ago when things changed? Did you go to a baseball game? Were you sitting at home? Were you on the fence? Or were you, like I expect, the people in the vanguard, the people at the front, the ones who were saying that what has been happening will never happen again, and I made a difference. That's what I expect out of my colleagues. That's what I know you can be and those are the conversations we have been having—that today and every day, we are going to make a change.

Colleagues, I look forward to working with you on this. I look forward to making a difference with you. Today, I will have a bill on my desk to make that difference, to talk about how we make sustainable change, and I look forward to working with you on this.

Senator Geiss' statement is as follows:

I rise before you today to add to what our good friend from the 2nd Senate District had to say. And one of the things that is so powerful about today's anniversary, which was 57 years ago, is that while everyone knows the words that were said in Washington, D.C., almost two months afterwards, on August 28, 1963. You know, we all know the phrase 'I Have a Dream.' We all know the phrases that came after that. The scripture that was cited and we cited in the very pivotal speech. But what most people forget is how that speech started. That that speech was about the urgency of now. And that speech was about looking at the fact that people were fed up. People were using the power of their voices—the power of protest.

To quote Dr. King, that the events that were "taking place in our nation tell us something else." And I'm going to paraphrase. They tell us that the Black people and his allies in the white community now recognize the urgency of the moment. Another statement that he made was that:

Now, more than ever before, America is forced to grapple with this problem, for the shape of the world today does not afford us the luxury of an anemic democracy. The price that this nation must pay for the continued oppression and exploitation of [Black people] or any other minority group is the price of its own destruction. For the hour is late, the clock of destiny is ticking out, and we must act now before it is too late.

Were he still alive today I imagine that he could say some of those very same words about the issues that we are experiencing today, in real time. And while a year later, July 2, 1964—and we won't be here to recognize this anniversary—is the date that President Johnson signed the Civil Rights Act. The very bill that Dr. King, the Freedom Riders, SNCC—all of the other groups who were fighting for civil rights; who were fighting for desegregation specifically—not just in the South where it was still legal, but also in the North where it wasn't legal but where it was still de facto. That social revolution that was occurring, while we have made much progress and many changes, it is still incomplete. So I urge us all to continue taking up that mantle of the urgency of now and to take Dr. King's words to heart that he gave here in Michigan first before going to D.C. and that we use that as the core of our values when it comes to addressing systemic racism, when it comes to recognizing that racism is still a public health crisis, and in doing much better when it comes to addressing these ills that still plague our communities and our state every day.

By unanimous consent the Senate returned to the order of

### **General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator McBroom 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. 5781, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1021 (MCL 436.2021), as amended by 2013 PA 235, and by adding section 551.

#### **House Bill No. 5811, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 537a.

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:

#### **Senate Bill No. 956, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21717 (MCL 333.21717), as amended by 2014 PA 66, and by adding section 5145.

Substitute (S-3)

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.

### **Announcements of Printing and Enrollment**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 18:

**House Bill Nos. 5482 5761 5810 5811 5827**

The Secretary announced that the following bills and resolutions were printed and filed on Thursday, June 18, and are available on the Michigan Legislature website:

**Senate Bill Nos. 973 974 975 976 977 978**

**Senate Resolution Nos. 125 126 127**

**House Bill Nos. 5865 5866 5867 5868 5869 5870 5871 5872 5873 5874 5875**

### Committee Reports

The Committee on Health Policy and Human Services reported

**Senate Bill No. 826, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 100a, 100b, 100c, 281b, 400, 420, 423, 425, 426, 427, 429, 430, 434, 435, 438, 452, 461, 463, 498o, 517, 532, 700, 740, and 742 (MCL 330.1100a, 330.1100b, 330.1100c, 330.1281b, 330.1400, 330.1420, 330.1423, 330.1425, 330.1426, 330.1427, 330.1429, 330.1430, 330.1434, 330.1435, 330.1438, 330.1452, 330.1461, 330.1463, 330.1498o, 330.1517, 330.1532, 330.1700, 330.1740, and 330.1742), sections 100a, 400, and 420 as amended by 2018 PA 595, section 100b as amended and section 281b as added by 2014 PA 200, sections 100c, 423, 425, 426, 427, 429, and 463 as amended by 2016 PA 320, sections 430, 498o, 700, and 740 as amended by 1995 PA 290, sections 434, 435, 438, 452, and 461 as amended by 2018 PA 593, sections 517 and 532 as amended by 2018 PA 596, and section 742 as amended by 2004 PA 527.

With the recommendation that the bill 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, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Human Services reported

**House Bill No. 4217, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7333, 16221, 16221b, 16226, 17744, 17751, and 17754 (MCL 333.7333, 333.16221, 333.16221b, 333.16226, 333.17744, 333.17751, and 333.17754), section 7333 as amended by 2018 PA 34, sections 16221 and 16226 as amended by 2018 PA 463, section 16221b as added by 2017 PA 249, section 17744 as added by 2012 PA 209, section 17751 as amended by 2017 PA 165, and section 17754 as amended by 2014 PA 525, and by adding section 17754a.

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

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

Curtis S. VanderWall  
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, 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 18, 2020, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators VanderWall (C), Bizon, Johnson, LaSata, Theis, Brinks, Hertel, Santana and Wojno  
Excused: Senator MacDonald

The Committee on Health Policy and Human Services reported

**Senate Bill No. 956, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21717 (MCL 333.21717), as amended by 2014 PA 66, and by adding section 5145.

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 and Theis

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 Tuesday, June 23, 2020, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

**Scheduled Meetings**

**Agriculture** - Thursday, June 25, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

**Appropriations** - Wednesday, June 24, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

**COVID-19 Pandemic, Joint Select** - Wednesday, June 24, 8:15 a.m., Room 519, Anderson House Office Building, (517) 373-5795

**Elections** - Wednesday, June 24, 1:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

**Energy and Technology** - Wednesday, July 22, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721

**Finance** - Wednesday, June 24, 12:00 noon, Room 403, 4th Floor, Capitol Building (517) 373-5312

**Government Operations** - Thursday, June 25, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

**Judiciary and Public Safety** - Wednesday, June 24, 3:00 p.m., Room 403, 4th Floor, Capitol Building; and Thursday, June 25, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5312

**Natural Resources** - Wednesday, June 24, 8:00 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

**Transportation and Infrastructure** - Wednesday, June 24, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 12:00 noon.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, June 24, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

