

No. 40
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Tuesday, May 12, 2020.

10:00 a.m.

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

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

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

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

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

Senator Jim Stamas of the 36th District offered the following invocation:

Dear Lord, we thank You for this opportunity to come here today, to be in Your presence, and to be in presence with family, Lord. While we fight and we dispute and we discuss, on this floor each member is a family member who will remain in history, Lord, and we just thank You for this opportunity.

We ask that You be with one of our former family members, Lord—Morris Hood—as he’s now joined You. We just ask that You be with his family to remember the amazing things, the amazing passion that he represented and spoke so often on the Senate floor.

Dear Lord, we ask that You be with those who are in harm’s way. We ask that You be with those who call out Your name. In Your name we pray. Amen.

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

Motions and Communications

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

The motion prevailed.

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

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

The Senate Business Office submits, pursuant to Senate Rule 1.208, the following report on out-of-state travel by members on Legislative business for the quarter ended March 31, 2020:

Senator Dan Lauwers	February 20-21	Tour and meeting MISO Energy Carmel, Ind.	\$ 194.26
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Messages from the Governor

The following message from the Governor was received on May 7, 2020, and read:

EXECUTIVE ORDER
No. 2020-77

Temporary requirement to suspend certain activities that are not necessary to sustain or protect life

Rescission of Executive Order 2020-70

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan

under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To 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 is 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, and 2020-70, 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 Executive Orders 2020-21, 2020-42, 2020-59, and 2020-70 have been effective: the number of new confirmed cases each day has started to drop. Although the virus remains aggressive and persistent—on May 6, 2020, Michigan reported 45,054 confirmed cases and 4,250 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We can now start the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. 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.

Accordingly, with this order, I find it reasonable and necessary to reaffirm the measures set forth in Executive Order 2020-70 and amend their scope. With Executive Order 2020-70, I ordered that certain previously suspended work and activities could resume, based on an evaluation of public health metrics and an assessment of the statewide risks and benefits. That evaluation remains ongoing, and based upon it, I find that we will soon be positioned to allow another segment of previously suspended work to resume: manufacturing work. This work, like the resumed activities allowed under Executive Order 2020-70, will be subject to stringent precautionary measures. This partial and incremental reopening will allow my public health team to evaluate the effects of allowing these activities to resume, to assess the capacity of the health care system to respond adequately to any increases in infections, and to prepare for any increase in patients presenting to a health-care facility or provider. With this order, Executive Order 2020-70 is rescinded. This order will remain in effect until May 28, 2020.

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

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.

2. Subject to the exceptions in section 7 of this order, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.

3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.

4. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life, to conduct minimum basic operations, or to perform a resumed activity within the meaning of this order.

(a) For purposes of this order, workers who are necessary to sustain or protect life are defined as “critical infrastructure workers,” as described in sections 8 and 9 of this order.

(b) For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work.

Any in-person work necessary to conduct minimum basic operations must be performed consistently with the social distancing practices and other mitigation measures described in section 11 of this order.

(c) Workers who perform resumed activities are defined in section 10 of this order.

5. Businesses and operations that employ critical infrastructure workers or workers who perform resumed activities may continue in-person operations, subject to the following conditions:

(a) Consistent with sections 8, 9, and 10 of this order, businesses and operations must determine which of their workers are critical infrastructure workers or workers who perform resumed activities and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work. Businesses and operations need not designate:

(1) Workers in health care and public health.

(2) Workers who perform necessary government activities, as described in section 6 of this order.

(3) Workers and volunteers described in section 9(d) of this order.

(b) In-person activities that are not necessary to sustain or protect life or to perform a resumed activity must be suspended.

(c) Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons, as described in section 11 of this order. Stores that are open for in-person sales must also adhere to the rules described in section 12 of this order.

(d) Any business or operation that employs workers who perform resumed activities under section 10(a) of this order, but that does not sell necessary supplies, may sell any goods through remote sales via delivery or at the curbside. Such a business or operation, however, must otherwise remain closed to the public.

6. All in-person government activities at whatever level (state, county, or local) are suspended unless:

(a) They are performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders, as defined in sections 8 and 9 of this order.

(b) They are performed by workers who are permitted to resume work under section 10 of this order.

(c) They are necessary to support the activities of workers described in sections 8, 9, and 10 of this order, or to enable transactions that support businesses or operations that employ such workers.

(d) They involve public transit, trash pick-up and disposal (including recycling and composting), the management and oversight of elections, and the maintenance of safe and sanitary public parks so as to allow for outdoor activity permitted under this order.

(e) For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b) of this order. Workers performing such activities need not be designated.

(f) Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 11 of this order.

7. Exceptions.

(a) Individuals may leave their home or place of residence, and travel as necessary:

(1) To engage in outdoor recreational activity, consistent with remaining at least six feet from people from outside the individual's household. Outdoor recreational activity includes walking, hiking, running, cycling, boating, golfing, or other similar activity, as well as any comparable activity for those with limited mobility.

(2) To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) of this order may leave their home for work without being designated.)

(3) To conduct minimum basic operations, as described in section 4(b) of this order, after being designated to perform such work by their employers.

(4) To perform resumed activities, as described in section 10 of this order, after being designated to perform such work by their employers.

(5) To perform necessary government activities, as described in section 6 of this order.

(6) To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including in-person procedures or veterinary services that, in accordance with a duly implemented non-essential procedure or veterinary services postponement plan, have not been postponed).

- (7) To obtain necessary services or supplies for themselves, their family or household members, their pets, and their motor vehicles.
- (A) Individuals must secure such services or supplies via delivery to the maximum extent possible. As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences or motor vehicles.
- (B) Individuals may also leave the home to pick up or return a motor vehicle as permitted under section 9(i) of this order, or to have a motor vehicle or bicycle repaired or maintained.
- (C) Individuals should limit, to the maximum extent that is safe and feasible, the number of household members who leave the home for any errands.
- (8) To pick up non-necessary supplies at the curbside from a store that must otherwise remain closed to the public.
- (9) To care for a family member or a family member's pet in another household.
- (10) To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
- (11) To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.
- (12) To visit a child in out-of-home care, or to facilitate a visit between a parent and a child in out-of-home care, when there is agreement between the child placing agency, the parent, and the caregiver about a safe visitation plan, or when, failing such agreement, the individual secures an exception from the executive director of the Children's Services Agency.
- (13) To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
- (14) To work or volunteer for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
- (15) To attend a funeral, provided that no more than 10 people are in attendance.
- (16) To attend a meeting of an addiction recovery mutual aid society, provided that no more than 10 people are in attendance.
- (17) To view a real-estate listing by appointment, as permitted under section 10(g) of this order.
- (18) To participate in training, credentialing, or licensing activities permitted under section 10(i) of this order.
- (b) Individuals may also travel:
- (1) To return to a home or place of residence from outside this state.
- (2) To leave this state for a home or residence elsewhere.
- (3) Between two residences in this state, including moving to a new residence.
- (4) As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.
- (c) All other travel is prohibited, including all travel to vacation rentals.
8. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available [here](#)). This order does *not* adopt any subsequent guidance document released by this same agency.
- Consistent with the March 19, 2020 guidance document, critical infrastructure workers include some workers in each of the following sectors:
- (a) Health care and public health.
- (b) Law enforcement, public safety, and first responders.
- (c) Food and agriculture.
- (d) Energy.
- (e) Water and wastewater.
- (f) Transportation and logistics.
- (g) Public works.
- (h) Communications and information technology, including news media.
- (i) Other community-based government operations and essential functions.
- (j) Critical manufacturing.
- (k) Hazardous materials.
- (l) Financial services.
- (m) Chemical supply chains and safety.
- (n) Defense industrial base.
9. For purposes of this order, critical infrastructure workers also include:

(a) Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers, workers who conduct

minimum basic operations, workers who perform necessary government activities, or workers who perform resumed activities. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of such workers.

(b) Workers at suppliers, distribution centers, or service providers, as described below.

(1) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate another business's or operation's critical infrastructure work may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.

(2) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the necessary work of suppliers, distribution centers, or service providers described in subprovision (1) of this subsection may designate their workers as critical infrastructure workers provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.

(3) Consistent with the scope of work permitted under subprovision (2) of this subsection, any suppliers, distribution centers, or service providers further down the supply chain whose continued operation is necessary to enable, support, or facilitate the necessary work of other suppliers, distribution centers, or service providers may likewise designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.

(4) Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.

(c) Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.

(d) Workers and volunteers for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

(e) Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.

(f) Workers at retail stores who sell groceries, medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of residences or motor vehicles, including convenience stores, pet supply stores, auto supplies and repair stores, hardware and home maintenance stores, and home appliance retailers.

(g) Workers at laundromats, coin laundries, and dry cleaners.

(h) Workers at hotels and motels, provided that the hotels or motels do not offer additional in-house amenities such as gyms, pools, spas, dining, entertainment facilities, meeting rooms, or like facilities.

(i) Workers at motor vehicle dealerships who are necessary to facilitate remote and electronic sales or leases, or to deliver motor vehicles to customers, provided that showrooms remain closed to in-person traffic.

10. For purposes of this order, workers who perform resumed activities are defined as follows:

(a) Workers who process or fulfill remote orders for goods for delivery or curbside pick-up.

(b) Workers who perform bicycle maintenance or repair.

(c) Workers for garden stores, nurseries, and lawn care, pest control, and landscaping operations, subject to the enhanced social-distancing rules described in section 11(i) of this order.

(d) Workers for moving or storage operations, subject to the enhanced social-distancing rules described in section 11(i) of this order.

(e) Subject to the enhanced social-distancing rules described in section 11(i) of this order, workers who perform work that is traditionally and primarily performed outdoors, including but not limited to forestry workers, outdoor power equipment technicians, parking enforcement workers, and outdoor workers at places of outdoor recreation not otherwise closed under Executive Order 2020-69 or any order that may follow from it.

(f) Workers in the construction industry, including workers in the building trades (plumbers, electricians, HVAC technicians, and similar workers), subject to the workplace safeguards described in section 11(j) of this order.

(g) Workers in the real-estate industry, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds, provided that:

(1) Any showings, inspections, appraisals, photography or videography, or final walk-throughs must be performed by appointment and must be limited to no more than four people on the premises at any one time. No in-person open houses are permitted.

(2) Private showings may only be arranged for owner-occupied homes, vacant homes, vacant land, commercial property, and industrial property.

(h) Workers necessary to the manufacture of goods that support workplace modification to forestall the spread of COVID-19 infections.

(i) Workers necessary to train, credential, and license first responders (e.g., police officers, fire fighters, paramedics) and health-care workers, including certified nursing assistants, provided that as much instruction as possible is provided remotely.

(j) Workers necessary to perform start-up activities at manufacturing facilities, including activities necessary to prepare the facilities to follow the workplace safeguards described in section 11(k) of this order.

(k) Effective at 12:01 a.m. on May 11, 2020, workers necessary to perform manufacturing activities, subject to the workplace safeguards described in section 11(k) of this order. Manufacturing work may not commence under this subsection until the facility at which the work will be performed has been prepared to follow the workplace safeguards described in section 11(k) of this order.

(l) Consistent with section 9(b) of this order, workers at suppliers, distribution centers, or service providers whose in-person presence is necessary to enable, support, or facilitate another business's or operation's resumed activities, including workers at suppliers, distribution centers, or service providers along the supply chain whose in-person presence is necessary to enable, support, or facilitate the necessary work of another supplier, distribution center, or service provider in enabling, supporting, or facilitating another business's or operation's resumed activities. Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.

11. Businesses, operations, and government agencies that remain open for in-person work must, at a minimum:

(a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available [here](#). Such plan must be available at company headquarters or the worksite.

(b) Restrict the number of workers present on premises to no more than is strictly necessary to perform the in-person work permitted under this order.

(c) Promote remote work to the fullest extent possible.

(d) Keep workers and patrons who are on premises at least six feet from one another to the maximum extent possible.

(e) Require masks to be worn when workers cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when workers cannot consistently maintain three feet of separation from other individuals in the workplace.

(f) Increase standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.

(g) Adopt policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.

(h) Adopt any other social distancing practices and mitigation measures recommended by the CDC.

(i) Businesses or operations whose in-person work is permitted under sections 10(c) through 10(e) of this order must also:

(1) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.

(2) Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another.

(3) Provide personal protective equipment such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed.

(4) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.

(j) Businesses or operations in the construction industry must also:

(1) Adhere to all of the provisions in subsection (i) of this section.

(2) Designate a site-specific supervisor to monitor and oversee the implementation of COVID-19 control strategies developed under subsection (a) of this section. The supervisor must remain on-site at all times during activities. An on-site worker may be designated to perform the supervisory role.

(3) Conduct a daily entry screening protocol for workers, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(4) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in subprovision (3) of this subsection, or in the alternative issue stickers or other indicators to workers to show that they received a screening before entering the worksite that day.

(5) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled masks.

(6) Encourage or require the use of work gloves, as appropriate, to prevent skin contact with contaminated surfaces.

- (7) Identify choke points and high-risk areas where workers must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.
- (8) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by workers.
- (9) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among workers at the worksite.
- (10) Restrict unnecessary movement between project sites.
- (11) Create protocols for minimizing personal contact upon delivery of materials to the worksite.
 - (k) Manufacturing facilities must also:
 - (1) Conduct a daily entry screening protocol for workers, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening as soon as no-touch thermometers can be obtained.
 - (2) Create dedicated entry point(s) at every facility for daily screening as provided in subprovision (1) of this subsection, and ensure physical barriers are in place to prevent anyone from bypassing the screening.
 - (3) Suspend all non-essential in-person visits, including tours.
 - (4) Train workers on, at a minimum:
 - (A) Routes by which the virus causing COVID-19 is transmitted from person to person.
 - (B) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
 - (C) Symptoms of COVID-19.
 - (D) Steps the worker must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
 - (E) Measures that the facility is taking to prevent worker exposure to the virus, as described in the COVID-19 preparedness and response plan required under section 11(a) of this order.
 - (F) Rules that the worker must follow in order to prevent exposure to and spread of the virus.
 - (G) The use of personal protective equipment, including the proper steps for putting it on and taking it off.
 - (5) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.
 - (6) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of workers in the facility at the same time.
 - (7) Stagger start times and meal times.
 - (8) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
 - (9) Create protocols for minimizing personal contact upon delivery of materials to the facility.
 - (10) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
 - (11) Frequently and thoroughly clean and disinfect high-touch surfaces, paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).
 - (12) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by workers, and discontinue use of hand dryers.
 - (13) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic workers or workers who received a positive test for COVID-19.
 - (14) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.
 - (15) Encourage workers to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.
 - (16) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if a worker goes home because he or she is displaying symptoms of COVID-19.
12. Any store that remains open for in-store sales under section 9(f) or section 10(c) of this order:
 - (a) Must establish lines to regulate entry in accordance with subsection (b) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.
 - (b) Must adhere to the following restrictions:
 - (1) For stores of less than 50,000 square feet of customer floor space, must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal.

(2) For stores of more than 50,000 square feet, must:

- (A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.
- (B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.
- (3) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.
- (c) May continue to sell goods other than necessary supplies if the sale of such goods is in the ordinary course of business.
- (d) Must consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.

13. No one shall rent a short-term vacation property except as necessary to assist in housing a health care professional aiding in the response to the COVID-19 pandemic or a volunteer who is aiding the same.

14. Michigan state parks remain open for day use, subject to any reductions in services and specific closures that, in the judgment of the director of the Department of Natural Resources, are necessary to minimize large gatherings and to prevent the spread of COVID-19.

15. Rules governing face coverings.

(a) Except as provided in subsection (b) of this section, any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space.

(b) An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes.

(c) All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers.

(d) Supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers who interact with the public.

(e) The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.

16. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and interactions. Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 20 of this order for allowing religious worship at such place. No individual is subject to penalty under section 20 of this order for engaging in or traveling to engage in religious worship at a place of religious worship, or for violating section 15(a) of this order.

17. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances.

18. This order takes effect immediately, unless otherwise specified in this order, and continues through May 28, 2020 at 11:59 p.m. Executive Order 2020-70 is rescinded. All references to that order in other executive orders, agency rules, letters of understanding, or other legal authorities shall be taken to refer to this order.

19. I will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, I will consider, among other things, (1) data on COVID-19 infections and the disease’s rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state’s capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.

20. 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: May 7, 2020
Time: 3:00 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 May 11, 2020, and read:

EXECUTIVE ORDER
No. 2020-78

**Temporary extension of the validity of driver licenses, state identification cards,
and certain vehicle registrations**

Rescission of Executive Order 2020-47

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

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

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

On March 13, 2020, Michigan's secretary of state announced that Department of State branch offices would be open on weekdays only for "critical services," which do not include license and registration renewals. This action was necessary and well designed to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, but it has resulted in some individuals being unable to timely renew their license or registration. In order to facilitate the mobility necessary for survival during this crisis, and to ensure commercial drivers carrying essential supplies could continue to do so despite these temporary limitations on state operations, it was reasonable and necessary to temporarily extend the validity of certain operator's and chauffeur's licenses, state identifications, and vehicle registrations in this state.

Executive Order 2020-47 provided such relief. This order extends its duration and expands its scope to cover a broader range of commercial vehicles and to ensure continuity of auto insurance coverage, as it remains reasonable and necessary to facilitate the mobility required for survival during this crisis, while maintaining appropriate social distancing.

With this order, Executive Order 2020-47 is rescinded.

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

1. Individuals must, to the best of their ability, complete a vehicle registration or license renewal online at www.michigan.gov/sos/ during the declared states of emergency and disaster.
2. Strict compliance with section 2 of 1972 PA 222 (state personal identification card), as amended, MCL 28.292, is temporarily suspended to the extent necessary to extend until July 31, 2020 the validity of a state personal identification card that expired or is set to expire between February 1, 2020 and June 30, 2020.
3. Strict compliance with sections 309 and 314 of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.309 and 257.314, and Mich Admin R 257.853(10), is temporarily suspended to the extent necessary to extend until July 31, 2020 the validity of an operator's license or chauffeur's license that expired or is set to expire between February 1, 2020 and June 30, 2020.

4. Strict compliance with the requirements under sections 303 and 312f of the Michigan Vehicle Code, MCL 257.303 and 257.312f, is temporarily suspended to the extent necessary to suspend any applicable medical certification requirement necessary for operator’s or chauffer’s license holders with any commercial driver license (CDL) group designation or endorsement until July 31, 2020. Persons who would otherwise have to carry a valid medical certificate must carry a paper copy of an otherwise-valid medical certificate that expired on or after March 1, 2020.

5. Strict compliance with rules and procedures under section 216 of the Michigan Vehicle Code, MCL 257.216, is temporarily suspended to the extent necessary to allow an operator’s or chauffeur’s license holder with appropriate CDL group designations and endorsements to operate a commercial vehicle as though it had a valid vehicle registration until July 31, 2020, so long as that commercial vehicle has an otherwise-valid vehicle registration that expired on or after March 1, 2020.

6. Until July 31, 2020, driving with a vehicle registration, operator’s license, or chauffeur’s license that expired on or after February 1, 2020 does not constitute a violation of the Michigan Vehicle Code. Law enforcement officials must not arrest any person nor impound any vehicle for the sole reason that a vehicle registration, operator’s license, chauffer’s license, or some combination thereof had expired on or after February 1, 2020. The Department of State must not assess a late fee for the renewal of a license or registration that expired between February 1, 2020 and June 30, 2020, so long as renewal occurs by July 31, 2020. Nothing in this order prevents the Secretary of State from suspending or revoking an operator’s or chauffeur’s license, commercial learner’s permit, vehicle designations, or endorsements on an operator’s or chauffeur’s license pursuant to the Michigan Vehicle Code.

7. Consistent with sections 3 through 6, automobile insurers must not take any adverse or negative actions against an individual because the individual’s license or registration expired between February 1, 2020 and June 30, 2020. A license that remains valid because of an extension under section 3 is valid for all purposes. Adverse or negative actions prohibited by this section include but are not limited to:

(a) Canceling, voiding, rescinding, or refusing to issue or renew a policy of automobile insurance, or denying a claim.

(b) Increasing an automobile insurance premium amount charged for a new policy or the renewal of an existing policy.

8. The relief afforded by sections 3 to 7 of this order does not apply to:

(a) A person who had their driving privileges suspended or revoked for traffic offenses.

(b) A person who, since their last medical certificate was issued, has been diagnosed with a medical condition that would disqualify them from operating a commercial vehicle.

(c) A person who, since their last medical certificate was issued, has developed a condition that requires an exemption or Skill Performance Evaluation from the Federal Motor Carrier Safety Administration.

9. This order is effective immediately and Executive order 2020-47 is rescinded.

10. 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: May 8, 2020

Time: 6:12 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 May 12, 2020, and read:

EXECUTIVE ORDER
No. 2020-79

Temporary suspension of youth work permit application requirements

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan

Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

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

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Every summer, many of our state’s young residents seek employment in order to earn money, gain valuable work experience, and contribute to the state economy. Compliance with certain procedures related to obtaining work permits and supporting documentation from school personnel has become prohibitively difficult with school buildings being closed for instructional purposes. Young Michiganders constitute an important part of the summer workforce, especially because the COVID-19 pandemic requires that many workers stay home when experiencing symptoms or because they are part of a vulnerable population. To ensure the availability of youth workforce, and to continue to mitigate the spread of COVID-19, protect public health, and provide protections to vulnerable Michiganders of all ages, it is reasonable and necessary to temporarily suspend certain requirements related to obtaining work permits for youth workers.

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

1. Strict compliance with section 5 of the Youth Employment Standards Act, 1978 PA 90, MCL 409.105, is temporarily suspended to the extent it requires an application of a work permit to be made in person. An issuing officer may accept and examine a work permit application (including any accompanying materials) submitted by alternative means including mail, e-mail, fax, or web-based form. Issuing officers must make information on how such application materials may be submitted publicly available.

2. Strict compliance with section 6 of the Youth Employment Standards Act, MCL 409.106 is temporarily suspended such that the color of work permits for minors under 16 years of age does not need to be distinct from that of work permits for minors 16 years of age and over.

3. This order is effective immediately and continues through June 8, 2020 at 11:59 p.m.

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

Date: May 11, 2020

Time: 9:43 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 May 12, 2020, and read:

EXECUTIVE ORDER
No. 2020-80

Enhanced authorization of remote means for carrying out state administrative procedures

Rescission of Executive Order 2020-45

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

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

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, limit the number of people interacting at public gatherings, encourage social distancing, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures relating to service of process and provision of notice as to certain administrative proceedings and the use of electronic signatures. State administrative entities must be able to continue to conduct public business during this emergency, including actions to respond to the COVID-19 pandemic, without unduly compromising public health, safety, and welfare.

Executive Order 2020-23 provided this limited and temporary relief from certain rules and procedures. Executive Order 2020-45 extended the duration of that relief. This order extends that duration further, because 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 2020-45 is rescinded.

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

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 *et seq.* (employment relations commission), 1947 PA 336, as amended, MCL 423.201 *et seq.* (public employment relations), and 1969 PA 312, as amended, MCL 423.231 *et seq.* (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.

2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.

3. The Unemployment Insurance Agency may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

4. Notice to the Unemployment Insurance Agency and written notice by the Unemployment Insurance Agency may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

5. Hearings held under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, as well as under the MARS Administrative Hearing Rules, R 792.10101 *et seq.*, and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MARS

Administrative Hearing Rules, R 792.10101 *et seq.*, is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.

6. Notice and service of process required by the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MARS Administrative Hearing Rules, R 792.10101 *et seq.*, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MARS Administrative Hearing Rules, R 792.10101 *et seq.*, is temporarily suspended.

7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, is temporarily suspended.

8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.

9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.

10. This order is effective immediately and remains in effect through June 8, 2020 at 11:59 pm.

11. Executive Order 2020-45 is rescinded.

12. 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: May 11, 2020

Time: 9:55 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 May 12, 2020, and read:

EXECUTIVE ORDER
No. 2020-81

Enhanced support for deliveries

Rescission of Executive Order 2020-44

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

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

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and this state's health care system and other critical infrastructure, it is reasonable and necessary to provide limited and temporary relief from load and delivery restrictions on motor carriers and drivers engaged in the transport of essential supplies, equipment, and persons.

Executive Order 2020-12 provided this limited and temporary relief. Executive Order 2020-44 extended the duration of that relief. This order extends that duration further, because 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 2020-44 is rescinded.

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

1. All state and local road agencies must exercise their authority on an expedited basis to issue permits that allow non-seasonal load restrictions to be exceeded. These permits must reflect bridge weight tolerances, and they must apply to deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.

2. All state and local restrictions on the noise and timing of loading and deliveries are suspended for loading and deliveries that meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and the prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap, and disinfectants; (3) food for the emergency restocking of stores; (4) equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to the COVID-19 pandemic; (5) persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19.

3. This order is effective immediately and continues through May 25, 2020 at 11:59 p.m.

4. Executive Order 2020-44 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: May 11, 2020

Time: 10:03 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.

Senators Ananich and Geiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

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

Senate Bill No. 912, entitled

A bill to provide relief during certain declared states of emergency for contractual obligations under residential leases, mortgages, and land contracts; to provide for a moratorium on actions to recover the possession of property and the foreclosure of mortgages or land contracts during a declared state of emergency; and to provide for remedies.

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

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

Senate Bill No. 913, entitled

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 554.601 to 554.616) by adding section 1c.

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

Senators Alexander, Geiss, Chang, Bullock, Irwin, Wojno, Santana, Moss, Polehanki, Bayer, Ananich and McMorrow introduced

Senate Bill No. 914, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3102, 3202, 5740, and 5782.

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

Senator Santana entered the Senate Chamber.

Senators Hollier, Geiss, Bullock, Chang, Irwin, Wojno, Santana, Moss, Polehanki, Bayer, Ananich and McMorrow introduced

Senate Bill No. 915, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 48a and 49 (MCL 125.1448a and 125.1449), section 48a as added by 1981 PA 173 and section 49 as amended by 1993 PA 221.

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

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

Senate Bill No. 916, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 78t.

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

Senator MacGregor introduced

Senate Bill No. 917, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," (MCL 205.701 to 205.779) by adding section 37a.

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

Senator Hollier entered the Senate Chamber.

Statements

Senators Ananich and Hertel asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Ananich's statement is as follows:

You probably have all heard the very unfortunate news—the very sad news—about our former colleague Senator Morris Hood passing away recently. I want to talk a little bit about Morris and then let my colleague say a few words and then I'll ask—if you don't mind; if you'd indulge me—in a moment of silence for him and his family.

I had the fortune of meeting Morris Hood very early in my career here, like I met many of you. At the time, Rick Hammel was the Minority Leader in the House of Representatives. Many of you served with him. He had become very close friends with Senator Hood. And like often happens when your colleagues who have been serving a little longer, they offer to introduce you to one of their friends in the Legislature. This is one of those times when I thank God that I took him up on getting to know Morris.

These are not the kinds of statements you want to have to make from this microphone. Many of you might have heard that Morris contracted the virus and as some of you may know he has some underlying health conditions related to a kidney transplant and diabetes. He had spent some time in the intensive care unit and started to have a recovery, and then unfortunately the condition got worse and he spent significant time on a ventilator. That's just the facts that I think people need to know but I'm going to talk a little bit about the human being that I got to know and the friend that I had the pleasure of spending time with over the last decade.

One of the things that I think many of you who served with him here with remember—maybe you saw it otherwise—Mo was always the one that no matter what was going on; no matter how heated the moment was, he pushed that white button and stood up to remind us to hug our loved ones; that this was not personal. I think what's going on right now in this important debate that we're having or should be having and are having, I think we all should remember that probably more than ever. So I think when we think or say things that may be a bit over the line, which all of us have a tendency sometimes to do—whether it's thoughts or words—I would request that we remember Morris Hood. Whether you heard the statement here or you didn't, remember no matter what—it may be a virtual one now or an elbow bump—but let's remember that we're all human beings; that we all have family that we love and that we are in a stressful time and if we remember to go home and hug our loved ones, to pray for each other at night if that's what you believe in, and remember the memory of Mo Hood before we do things, I think we'll all be better people for it. I just wanted to make sure I said a few words about the passing of my good friend and many of yours.

Senator Hertel's statement is as follows:

My friend, Morris Hood, would often stand at this podium and remind us all that tomorrow is never promised. And for many people that can sound like a slogan—like something you'd see on a poster somewhere—but for Morris, he lived that every single day. Part of the reason is that he got a second chance at life with a kidney transplant and didn't just allow that to be a personal story that he told, but used that to promote organ donation—I don't know if guys remember, he'd have Reggie the puppet up with him during organ donation week and he would talk about the second chance that he got at life.

The story of why that was important to Morris goes beyond that. I was at Morris' father's funeral. Morris' father was one of my dad's closest friends in the Legislature. It was one of the most beautiful funerals I've ever been to in my entire life. It was at a Catholic cathedral in Detroit—one of the first built. And Morris' dad was Catholic because they were the first integrated schools in Detroit. So he converted to Catholicism because of that experience that he had of welcomeness in the Catholic church. The rest of his family was Baptist so there was a beautiful Baptist choir in this beautiful Catholic church with all the stained glass and everything else. And I was trying to hold it together because Morris' dad was one of my dad's best friends and one of the legislators that I looked most up to. And Pat Gagliardi, who was one of their friends from the Upper Peninsula, stood up and told the story about Morris Sr. being down in Gulf Shores, Alabama with us and watching my dad and my brothers and sisters and myself on the beach playing with each other in the surf. And seeing that and knowing that he was estranged from his family—he was estranged from his son, Morris—and how he needed to fix things. And that was two years before he passed. And they became close again through that.

And so "tomorrow is never promised" was not just a slogan or a message, it was something that was so important in his life because he didn't always have those connections with his loved ones; with his father. But he did at the end. Morris was a legend. He got up and talked about workers' rights and loved school teachers. When he was in the hospital, the biggest thing that he lamented was that he couldn't be in session because we were talking about teacher pensions and how important that was to him. He is so legendary that

after today, he will be the first person in Michigan’s Senate history to get two moments of silence. My good friend, Coleman Young, stood up on the Senate floor while he was in surgery and gave him a moment of silence then. We had to remind Coleman afterwards that that’s not how that works, but he’ll be the first person to ever have that experience. He was pretty surprised when we called him that night to tell him that story.

Morris and I were close for a lot of reasons. I didn’t know him as a child. I think that we were close largely because we both had a lot to live up to. We both had a legacy to live up to. I remember hugging him that last day and telling him that he did his dad proud. When Burt Leland died and I gave a speech on this floor about Burton and my dad and Morris’ dad, at a tiki bar looking down at their sons and how proud they were of the work they were doing and having a beer for us. And Morris never made it to Gulf Shores, Alabama but I can tell you right now he’s up in heaven at that tiki bar having a beer with my dad and his dad, giving him a hug for the first time in a long time and remembering that tomorrow is never promised.

God bless my friend Morris Hood. God bless this body. God bless all of you. And I ask for a moment of silence for my friend, Morris Hood; the second one that he’ll receive in this body. May God bless him and take him.

A moment of silence was observed in memory of Morris Hood III, former member of the Senate and House of Representatives.

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. 887

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 887, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding sections 301a and 681a.

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. 142

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 888, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 24 and 30 (MCL 205.24 and 205.30), section 24 as amended by 2003 PA 201 and section 30 as amended by 2016 PA 267.

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. 143

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 889, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding sections 40 and 80 to chapter 2.

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. 144

Yeas—38

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Statements

Senators Horn, Shirkey and Polehanki asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Horn’s statement is as follows:

I wanted to stand up and talk about a friend, Senator Mo Hood. My comments won’t be very long, Mr. President. I just wanted to kind of put an exclamation point on the human being that he was. My friend from Genesee County began to talk about him as a human being in this body. When I lost my little Zellie, he was one of a few people who came up. He never said a word; just gave me a big hug. He knew what it was like to lose somebody. He knew what it was like to be a friend. Sometimes you don’t have to say a word; you just have to be there. When he talked about tomorrows not being promised for us, it gave me pause to think about that, and I grew that conversation just a little bit when I did my social media posts about the grief my family was feeling, and it came to me that yesterday is just a lesson to be learned and that today is a gift that we live, and that tomorrows are never promised to us. I owe that thinking to Senator Mo Hood and I thank him for that, and I do pray that God lifts him up and brings him home.

Senator Shirkey’s first statement is as follows:

I’d like to ask for some indulgence, I’m going to speak about two topics, and I’d like both of them to be recorded in the Journal.

First, I’d like to share with this body my personal experience with Mo Hood. I was two weeks in the Senate, had a topic that I was pretty passionate about, and I knew he was in the pathway of that topic, getting it passed, and I needed some support. So I called his office and I made an arrangement to go meet with him in his office. I went in, and the first thing he said to me was, “Well, what are you doing here?” I said, “Well, I’d kind of like your input on this idea, and ask for your support, ultimately.” He proceeded to ask me more questions about me than anybody I’d ever experienced. And after about 40 minutes, I ran out of time, he didn’t run out of breath, and I said, “Senator, can I come back and talk with you about the issue that I wanted to talk about in the first place?”, and he said, “Sure.”

But the point is this: he was interested in people. He was interested in me. He was interested in all of us. It’s not just about remembering that tomorrow is not promised. It’s about active listening, and Mo was as good at that as anybody I can remember. I just want to make those comments on a very important, somber day, before I move to comments on something that’s also very important.

Mr. President, I rise today to condemn the individuals who have populated a number of social media posts with crude, violent, and threatening messages about our Governor. These folks are thugs, and their tactics are despicable. It is never OK to threaten the safety or life of another person, elected or otherwise, period. The moment an individual or group embraces the threat of physical violence to make a point is the moment I stop listening.

There are a number of people in our state who are confused, frustrated, and upset about what's going on in Michigan. They have called our offices, sent us e-mails, they have stopped at our districts, and they've even shown up on the Capitol lawn and in the building to protest the actions of government, but they have done so without threatening the safety of others. And we are listening to those people.

To the families who are struggling to help teach children while they work from home, we are listening. To the men and women who are struggling to pay their bills, and navigate the perils of filing for unemployment, we are listening. To the business owners who are worried about when and how they will reopen their businesses, we are listening. To the employees who are eager to regain their livelihoods, we are listening. To the citizens in regions who are struggling under a one-size-fits-all government mandate, we are listening. To the family members who cannot be with their loved ones in their final moments, we are listening. We are listening to the many, many voices who are questioning our Governor and the one-size-fits-all heavy-handed blunt force instrument of government that has been used to stifle our ability to make progress from living in fear, towards learning to live with, this insidious virus. We are listening to the citizens who redress the government in productive ways, and are seeking actions in response to their calls. To those folks that I've just listed, we are listening, and we are taking action.

Senator Polehanki's statement is as follows:

I rise to ask my colleagues to support a Senate resolution which has been submitted to the enrolling clerks today and which will be read into the record on Wednesday. This resolution urges the Michigan Capitol Commission to prohibit firearms at the Michigan State Capitol.

Yesterday, despite the Capitol Commission asking for and receiving a formal ruling from Attorney General Nessel stating that the commission has full legal authority to prohibit firearms at the Capitol, the commission squandered this opportunity. So here we are today, forced to give floor speeches and to vote on behalf of our constituents with the potential of heavily-armed men looming just feet above us, in that balcony right there while the commission studies the issue.

Twelve days ago, men in combat gear with rifles around their necks taunted us, and the world saw it and the world was aghast. In the words of our colleague from the 3rd Senate District, "What kind of Michigan are we promoting?" Is this what we want people from around the world to see in Michigan? We support both First and Second Amendment rights here in Michigan, but intimidating legislators, staff, and visitors—many of whom are children—intimidating with guns is an affront to the democratic process.

Among our Midwest neighbors, Michigan is the only state of 13 that does not place any restrictions on firearms in capitol buildings. The state's chief law enforcement officer has weighed in on this issue, along with Michiganders and concerned residents from across the nation. Even the United States Supreme Court has had a say in this issue. Back in 2008, Justice Antonin Scalia delivered the Court's opinion in *District of Columbia v. Heller*, that the Court also respected "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." So, no more deliberation. There is nothing more to study. The Capitol Commission must act now to prohibit guns in the Capitol to avoid a catastrophic incident.

Before I close, Mr. President, right now I would like to be working on supporting my constituents, many of whom are suffering during this pandemic, by passing bills to expand paid sick leave, support the unemployed, and providing PPE to local governments and first responders, not having to give this floor speech begging for the Capitol Commission to keep us safe from armed men in our workplace. It is worth asking this again—what kind of Michigan is this?

Senator Shirkey's second statement is as follows:

Just a couple of quick comments. I've been on very clear record calling out the activities and the behaviors of a very small portion of protestors who have, in my mind, misbehaved with their guns on this Capitol lawn and in this Capitol Building. But I don't think we should stand cowardly behind the Capitol Commission, and right now, I'm calling upon our Governor and our Attorney General in those situations where it appears that they've breached the line of brandishing that those individuals be properly handcuffed, properly taken in, fingerprinted, and given a very long-standing photo that they can frame at home. This is not us standing cowardly behind the Capitol Commission. Law enforcement needs to take this upon their own hands, and when those brandishing activities occur, they need to be addressed. I'm calling on the Attorney General and the Governor to do so, with the cooperation of the Michigan State Police.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Thursday, May 7, and are available on the Michigan Legislature website:

Senate Bill Nos. 910 911

House Bill No. 5766

Scheduled Meetings

Appropriations - Wednesday, May 13, 11:00 a.m., Senate Hearing Room, Boji Tower (517) 373-5307

Oversight - Wednesday, May 13, 8:30 a.m., Room 403, Capitol Building (517) 373-5312

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 10:38 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, May 13, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate