

No. 47
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Tuesday, June 2, 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 Curtis Hertel, Jr. of the 23rd District offered the following invocation:

God, our nation is hurting. Our state is hurting. This body is hurting. I ask for healing of both our hearts and our minds; that we remember that all of us were created in Your image; of the overall message of Your Son and all the world's religions are a message of peace and understanding; that love of thy neighbor is the Golden Rule. In these difficult times, grant us grace. Grant us the heart of a servant. Grant us the humbleness to remember that we are not important people, but have important jobs. Grant us the ability to forgive; to remove the malice from our hearts. Give us the wisdom to realize we are not always right and the courage to admit when we are wrong and to ask for forgiveness. Lord, we remember our brothers and sisters who have gone to your rest, especially George Floyd, Morris Hood, Isaac Robinson, and Waldis Johnson. Lord, please provide their families with peace and justice. Let us remember, the long arc of history bends towards justice. Lord, let that arc grow shorter. Let our nation heal and give all of our leaders the wisdom and modesty to aid that healing.

We ask this and pray in the name of the Father, the Son, and the Holy Spirit. Amen.

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

Motions and Communications

Senator McBroom entered the Senate Chamber.

Senator Chang moved that Senators Ananich and Hollier 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 following communication was received:

Office of Senator Dayna Polehanki

May 29, 2020

Per Senate Rule (1.110(C)), I am requesting that my name be added as a co-sponsor to Senate Bill 945, which was introduced on May 29, 2020, by Senator Jeff Irwin, and has been referred to the committee in Judiciary and Public Safety.

Sincerely,
Dayna Polehanki
State Senator
Senate District 7

The communication was referred to the Secretary for record.

The following communication was received:

Office of Senator Jim Ananich

June 2, 2020

Pursuant to the Rule, please add my name as a cosponsor to Senate Bill 945 (Sen. Irwin). Please do not hesitate to contact me if you have any questions.

Sincerely,
Jim Ananich
Minority Leader
27th District
S-105 Capitol Building
Lansing, Michigan

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received on May 29, 2020, and read:

EXECUTIVE ORDER No. 2020-106

Establishing deadline to redeem property for nonpayment of delinquent property taxes

Rescission of Executive Order 2020-14

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

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

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

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

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

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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.

The home provides a key piece of protection against the COVID-19 pandemic. In order to avoid losing their homes, homeowners whose residences are subject to tax forfeiture must make redemption payments with the county treasurer. Yet requiring county treasury employees to report to work in person would increase the risks of COVID-19 transmission. In order to limit in-person work and physical interactions, it is therefore reasonable and necessary to temporarily suspend rules and procedures to extend the deadline for redemption of property foreclosed for nonpayment of delinquent property taxes.

Executive Order 2020-14 provided this relief by extending the tax foreclosure redemption deadline to May 29, 2020. Because the risk of COVID-19 transmission via in-person work persists, it has become reasonable and necessary to further extend this deadline.

With this order, Executive Order 2020-14 is rescinded.

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

1. The deadline by which property forfeited to a county treasurer may be redeemed is extended from March 31, 2020 to June 29, 2020. This extended deadline does not apply to property already subject to a court order providing a deadline later than June 30, 2020.

2. A copy of this order will be transmitted to the State Court Administrative Office. The State Court Administrative Office is encouraged to urge judges of the circuit courts to amend orders of foreclosure issued in 2020 under subsection 5 of section 78k of the General Property Tax Act, MCL 211.78k(5), in a manner consistent with this order. Strict compliance with section 78k is temporarily suspended to the extent necessary to permit circuit courts to amend orders of foreclosure consistent with this order.

3. Executive Order 2020-14 is rescinded.

4. This order is effective immediately upon issuance.

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

Date: May 28, 2020

Time: 8:11 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 29, 2020, and read:

EXECUTIVE ORDER
No. 2020-107

Department of Labor and Economic Opportunity

Michigan Workforce Development Board

Rescission of Executive Order 2015-11

To ensure Michigan workers can acquire the skills and credentials they need to secure and advance in jobs with family-sustaining wages, and to ensure Michigan’s job providers have access to the skilled workers they need to succeed in a global economy, Michigan must strengthen the quality and labor market relevance of its workforce through investment, education, and economic development efforts. Achieving this requires the alignment of these efforts to support a comprehensive, accessible, and high-quality workforce development system.

Section 101 of chapter 1 of the Workforce Innovation and Opportunity Act, Public Law 113-128, as amended, 29 USC 3101 to 3361 (the “WIOA”), requires the governor to establish a state workforce development board. 29 USC 3111(a).

Executive Order 2015-11 established the former Governor’s Talent Investment Board within the Michigan Talent Investment Agency as Michigan’s workforce development board. That order was amended by Executive Order 2018-13, which renamed the board the Michigan Future Talent Council, transferred the Council to the Department of Talent and Economic Development, and altered the Council’s membership and responsibilities. Under Executive Reorganization Order 2019-3, the Department of Talent and Economic Development was renamed the Department of Labor and Economic Opportunity.

Changes in the structure and operation of Michigan’s workforce development board are necessary to reflect the current organizational structure of the state government, to comply with federal law, and to better address the employment and skill needs of Michigan’s workers and job providers. The United States Department of Labor has approved the composition of Michigan’s workforce development board as described in this order.

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 Workforce Development Board

(a) The Michigan Workforce Development Board (the “Board”) is created as an advisory body within the Department of Labor and Economic Opportunity (the “Department”), and is designated as the state workforce development board required by section 101 of the WIOA, 29 USC 3111, and includes the following members:

- (1) The governor, or the governor’s designee.
- (2) One member of the Michigan House of Representatives, appointed by the governor from a list of three candidates submitted by the speaker.
- (3) One member of the Michigan Senate, appointed by the governor from a list of three candidates submitted by the majority leader.
- (4) The director of the Department, or the director’s designee from within that Department.
- (5) The following members appointed by the governor:
 - (A) Twelve residents of this state representing businesses in Michigan. Each member must be an owner of a business, a chief executive or operating officer of a business, or other business executive or employer with optimum policy-making or hiring authority. These members must include:
 - (i) A small business owner.
 - (ii) A member representing manufacturing business enterprises.
 - (iii) A member representing mobility business enterprises.
 - (iv) A member representing minority-owned business enterprises.
 - (v) A member representing female-owned business enterprises.
 - (vi) A member representing business enterprises employing veterans, returning citizens, or persons with disabilities.
 - (vii) A member representing business who is also a member of the Michigan Economic Development Corporation Board.
 - (viii) Five other members.
- (B) Three residents of this state representing the workforce and general labor in Michigan.
- (C) Five other residents of this state, including all of the following:
 - (i) A director of a Michigan high school career and technical education program, including high school instructional programs that teach students skills in a specific career clusters and prepare students so they have the necessary academic, technical, and work behavior skills to enter, compete, and advance in education and in their careers.
 - (ii) An apprenticeship coordinator of a joint labor-management apprenticeship program.
 - (iii) One chief elected official of a city or county in this state, or the chief elected official’s designee.
 - (iv) One president of a community college district organized under the Community College Act of 1966, 1966 PA 331, as amended, MCL 389.1 to 389.195.
 - (v) One president of an institution of higher education described in or established pursuant to section 5 or 6 of article 8 of the Michigan Constitution of 1963.
- (6) One non-voting member of the Michigan House of Representatives, appointed by the governor from a list of three candidates submitted by the house minority leader.
- (7) One non-voting member of the Michigan Senate, appointed by the governor from a list of three candidates submitted by the senate minority leader.
 - (b) The members of the Board appointed under section 1(a)(5) of this order must represent diverse geographic areas of this state, including urban, rural, and suburban areas.
 - (c) No member of the Board may serve as a member representing more than one of the following:
 - (1) The category described in section 1(a)(5)(A) of this order.
 - (2) The category described in section 1(a)(5)(B) of this order.
 - (3) The category described in section 1(a)(5)(C) of this order.
 - (d) At least one of the members appointed under section 1(a)(5)(A) of this order must represent a small business as defined by the United States Small Business Administration.
 - (e) To encourage coordination and cooperation between the Board and the Michigan Economic Development Corporation, and the more effective alignment of workforce and economic development efforts in this state, at least one of the Board members appointed under section 1(a)(5)(A) of this order must also be a member of the executive committee of the Michigan Economic Development Corporation.

(f) A member representing an organization described in section 1(a)(5)(B) or 1(a)(5)(C) of this order must be an individual with optimum policy-making authority in the organization or for the core program that they represent. For purposes of this section 1, an individual with optimum policy-making authority is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action.

(g) The Board members initially appointed under section 1(a)(2) and 1(a)(6) of this order must be appointed for a term expiring on January 1, 2021. After the initial appointment, the Board members appointed under section 1(a)(2) and 1(a)(6) of this order must be appointed for a term of two years, concurrent with the two-year term for a member of the Michigan House of Representatives. The Board member initially appointed under section 1(a)(3) and 1(a)(7) of this order must be appointed for a term expiring on January 1, 2023. After the initial appointment, the Board member appointed under section 1(a)(3) and 1(a)(7) of this order must be appointed for a term of four years, concurrent with the four-year term for a member of the Michigan Senate.

(h) Of the Board members appointed under section 1(a)(5) of this order, five members must be appointed for a term of four years, five members must be appointed for a term of three years, five members must be appointed for a term of two years, and five members must be appointed for a term of one year. After the initial appointments, a member of the Board appointed under section 1(a)(5) of this order must be appointed for a term of four years.

(i) The director of the Department must notify the governor of a vacancy on the Board. A vacancy on the Board created other than by the expiration of the term of a member of the Board will be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the Board may be reappointed for additional terms.

(j) The governor must designate a member of the Board appointed under section 1(a)(5)(A) of this order to serve as chairperson of the Board at the pleasure of the governor. The Board must elect a vice-chairperson from among its members. The vice-chairperson must act as chairperson when the chairperson of the Board is absent.

2. Charge to the Board

(a) The Board is an advisory body and must assist the governor with all of the following:

(1) The development, implementation, and modification of Michigan's four-year unified state plan pursuant to the WIOA, 29 USC 3112.

(2) Consistent with section 2(a)(1) of this order, the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by this state to align workforce development programs in Michigan in a manner that supports a comprehensive and streamlined workforce development system in Michigan, including the review and provision of comments on the state plans, if any, for programs and activities of one-stop partners that are not core programs.

(3) The development and continuous improvement of the workforce development system in Michigan, including all of the following:

(A) The identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system.

(B) The development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment.

(C) The development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system.

(D) The development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations.

(E) The identification of regions, including planning regions, for the purposes of section 106(a) of the WIOA, 29 USC 3121(a), and the designation of local areas under section 106 of the WIOA, 29 USC 3121, after consultation with local boards and chief elected officials.

(F) The development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers.

(G) The development of strategies to support staff training and awareness across programs supported under the workforce development system.

(4) The development and updating of comprehensive performance accountability measures for this state, including state-adjusted levels of performance, to assess the effectiveness of the core programs in Michigan, as required under section 116(b) of the WIOA, 29 USC 3141(b).

(5) The identification and dissemination of information of best practices, including best practices for all of the following:

- (A) The effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment.
- (B) The development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness.
- (C) Effective training programs that respond to real-time labor market analysis that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate the skills and competencies for adaptability to support efficient placement into employment or career pathways.

(6) The development and review of statewide policies affecting the coordinated provision of services through this state's one-stop delivery system described in section 121(e) of the WIOA, 29 USC 3151(e), including the development of all of the following:

- (A) Objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in 121(g) of the WIOA, 29 USC 3151(g);
- (B) Guidance for the allocation of one-stop center infrastructure funds under section 121(h) of the WIOA, 29 USC 3151(h).
- (C) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system.

(7) The development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including the improvements to do all of the following:

- (A) Enhance digital literacy skills as defined in section 202 of the Museum and Library Service Act, Public Law 94-462, as amended, 20 USC 9101.
- (B) Accelerate the acquisition of skills and recognized postsecondary credentials by participants.
- (C) Strengthen the professional development of providers and workforce professionals.
- (D) Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas.

(8) The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs.

(9) The development of allocation formulas for the distribution of money for employment and training activities for adults, and for youth workforce investment activities, to local areas as permitted under sections 128(b)(3) and 133(b)(3) of the WIOA, 29 USC 3163(b)(3) and 29 USC 3173(b)(3).

(10) The development of strategies to ensure engagement of stakeholders from the state's vocational rehabilitation program and activities under the Rehabilitation Act of 1973, as amended by title IV of WIOA.

(11) The preparation of the annual reports described in paragraphs (1) and (2) of section 116(d) of the WIOA, 29 USC 3141(d).

(12) The development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, Public Law 73-30, as amended, 29 USC 491-2(e).

(13) The development of other policies to promote statewide objectives for, and enhance the performance of, the workforce development system in the state.

(b) The Board must perform other functions and responsibilities required of the Board under WIOA.

(c) When exercising its duties under this order, the Board may provide policy advice across workforce areas, including traditional adult workforce development, community colleges, career and technical education, and workforce elements of economic development.

(d) The Board must actively participate in convening Michigan's workforce development system's stakeholders, brokering relations with a diverse range of employers, and leveraging support for workforce development activities.

(e) As requested by the governor or the director of the Department, the Board must advise the governor and the director of the Department regarding policies in workforce development, adult education, career and technical education, community colleges, and the workforce elements of economic development. When exercising its duties under this order, the Board must endeavor to develop a unified state policy dialogue involving local workforce development boards, universities, community colleges, K-12 schools and other key stakeholders.

(f) The Board must provide other information, advice, or assistance as requested by the governor or the director of the Department.

3. Board Operations

(a) The Department must assist the Board in the performance its duties and provide personnel to staff the Board. The budgeting, procurement, and related management functions of the Board will be performed under the direction and supervision of the director of the Department.

(b) The director of the Department must ensure adequate representation of all core programs within the Department by consulting regularly with each lead administrator for a core program within the Department and providing each lead administrator an opportunity for input into Michigan's state plan or other workforce development policy efforts.

(c) The Board must adopt procedures consistent with the WIOA, Michigan law, and this order governing its organization and operations.

(d) A member of the Board may not vote by proxy. Except as otherwise expressly provided in this order, a member of the Board may not designate an alternate to participate in Board meetings during the member's absence.

(e) A member of the Board must not vote on a matter under consideration by the Board regarding the provision of services, or by an entity the member represents, or on a matter that would provide direct financial benefit to the member or the immediate family of the member. A member of the Board must not engage in any other activity determined by the governor to constitute a conflict of interest, as specified in Michigan's state plan.

(f) The Board must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(g) The Board must make available to the public on a regular basis, through electronic means and open meetings information regarding the activities of the Board, including information relating to Michigan's state plan, or a modification of Michigan's state plan, before submission of the state plan or modification, information regarding membership of the Board, and upon request, minutes of the meetings of the Board.

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

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

(j) The Board must use technology, including telecommunications and web-based meetings, to promote participation by Board members.

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

(l) The Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Board 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.

(m) Members of the Board must not receive additional compensation for participation on the Board. Members of the Board may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(n) The Board 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 Board and the performance of its duties as the Director deems advisable and necessary, in accordance with this order and applicable law, rules, and procedures, subject to available funding.

(o) The Board may hire a director (the "Workforce Development Board Director") or other staff to assist the Board in carrying out the functions described in section 2(a) using money available as described in section 129(b)(3) or 134(a)(3)(B)(i) of the WIOA, 29 USC 3164(b)(3) or 3174(a)(3)(B)(i). Subject to any applicable rules or regulations of the Civil Service Commission, the Board must establish a set of objective qualifications for the position of Workforce Development Board Director, to ensure that the individual selected as the Workforce Development Board Director has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist the Board in effectively carrying out the functions of the Board. The Workforce Development Board Director and other Board staff described in this section 3(o) are subject to the limitations on the payment of salary and bonuses described in section 194(15) of the WIOA, 29 USC 3254(15).

(p) The Board may be funded with money available under sections 129(b)(3) or 134(a)(3)(B) of the WIOA, 29 USC 3164(b)(3) or 3174(a)(3)(B), and non-federal money as appropriated and available for that use.

(q) The Board 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.

(r) Members of the Board must refer all legal, legislative, and media contacts to the Department.

4. Rescission of Executive Order 2015-11

(a) Executive Order 2015-11, as amended by Executive Order 2018-13, is rescinded. The Michigan Future Talent Council is abolished.

5. Definitions

(a) As used in this order:

(1) "Civil Service Commission" means the commission provided for by section 5 of article 11 of the Michigan Constitution of 1963.

(2) "Department of Labor and Economic Opportunity" means the principal department of state government created by Executive Order 2019-13, MCL 125.1998.

(3) "Michigan Economic Development Corporation" means the public body corporate created pursuant to section 28 of article 7 of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.501 to 124.512, between the Michigan Strategic Fund and local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, as amended, MCL 125.1601 to 125.1636, dated April 5, 1999, as amended and restated.

(b) As used in this order, the following terms have the meaning as defined in section 3 of the WIOA, 29 USC 3102: "adult"; "adult education"; "career and technical education"; "career pathway"; "chief elected official"; "core program"; "employment and training activity"; "in-demand industry sector or occupation"; "individuals with disabilities"; "industry or sector partnership"; "local area"; "local board"; "one-stop"; "one-stop center"; "one-stop operator"; "one-stop partner"; "one-stop partner program"; "planning region"; "recognized postsecondary credential"; "region"; "state plan"; "supportive services"; "training services"; "veteran"; "workforce development system"; "workforce investment activity"; and "youth workforce investment activity."

6. Implementation

(a) All departments, agencies, committees, commissioners, or officers of this state, or of any political subdivision of this state, must give to the Board, or to any member or representative of the Board, any necessary assistance required by the Board, or any member or representative of the Board, in the performance of the duties of the Board so far as is compatible with its, his, or her duties. Free access also must be given to any books, records, or documents in its, his, or her custody relating to matters within the scope of inquiry, study, or review of the Board.

(b) 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.

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

(d) This order is effective upon signing.

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

Date: May 29, 2020

Time: 12:00 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 June 1, 2020, and read:

EXECUTIVE ORDER
No. 2020-108

Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities

Rescission of Executive Order 2020-72

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

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

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

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

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

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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 and to provide essential protections to vulnerable Michiganders and to this state's health care system and other critical infrastructure, it is reasonable and necessary to impose limited and temporary restrictions on the entry of individuals into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

Executive Order 2020-72 imposed such restrictions. In light of the ongoing risk to residents and employees of those facilities, it is reasonable and necessary to extend the duration of those restrictions, and empower the Director of the Department of Health and Human Services to create exceptions to those restrictions as circumstances permit. With this order, Executive Order 2020-72 is rescinded.

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

1. Except as otherwise provided by the order of the Director of the Department of Health and Human Services (DHHS), all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must prohibit from entering their facilities any visitors that: are not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care; are not a parent, foster parent, prospective adoptive parent, or guardian of an individual who is 21 years of age or under and who is under the facility's care; are not visiting an individual under the facility's care that is in serious or critical condition or in hospice care; and are not visiting under exigent circumstances or for the purpose of performing official governmental functions.

2. All health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must perform a health evaluation of all individuals that are not under the care of the facility each time the individual seeks to enter the facility, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include, at a minimum, symptoms of a respiratory infection, such as fever, cough, or shortness of breath; contact in the last 14 days with someone with a confirmed diagnosis of COVID-19; and other criteria specified by the Director of DHHS.

3. Any staff member or visitor of a residential care facility, congregate care facility, or juvenile justice facility must wear a covering over his or her nose and mouth when indoors or within six feet of another person.

4. While the restrictions of this order are in place, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must make best efforts to facilitate visitations with individuals under their care by phone or other electronic communication platforms to the fullest extent possible, consistent with normal visitation policies.

5. For purposes of this order, "residential care facilities" includes, but is not limited to, homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.

6. The Director of DHHS may issue orders and directives to implement this order, including to specify exceptions to section 1 of this order, and to specify additional evaluation criteria under section 2 of this order.

7. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order shall constitute a misdemeanor.

8. Executive Order 2020-72 is rescinded.

9. This order is effective immediately and continues through June 26, 2020 at 11:59 p.m.

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

Date: May 29, 2020

Time: 8:11 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 1, 2020, and read:

EXECUTIVE ORDER
No. 2020-109

Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry

Rescission of Executive Order 2020-71

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

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

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

Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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

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

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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.

The COVID-19 pandemic has created the risk of COVID-19 exposure in food-selling establishments and pharmacies. Given the need to protect employees and the public from exposure to COVID-19, it is necessary and reasonable to impose standards for food-selling establishments and pharmacies to reduce the risk of COVID-19 exposure and disease transmission. In addition, the COVID-19 pandemic has placed an immediate and unprecedented strain on Michigan’s food service industries, local health departments, and the Michigan Department of Agriculture and Rural Development (MDARD). Given the additional workload of local health departments and MDARD due to the COVID-19 pandemic, and given these agencies’ statutorily defined role in the renewal of licenses for the food service industry, it is also necessary and reasonable to provide limited and temporary relief from certain licensing requirements and regulations.

Executive Order 2020-71 provided the protections and relief described above. This order extends and modifies those protections and relief in light of current conditions, as it remains necessary and reasonable to limit exposure to COVID-19 in food-selling establishments.

With this order, Executive Order 2020-71 is rescinded.

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

1. Any individual who enters a food-selling establishment or pharmacy who is 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.

2. Grocery stores and pharmacies must 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 people, and those with chronic conditions, including heart disease, diabetes, and lung disease.

3. Food-selling establishments and pharmacies must deploy strategies to reduce COVID-19 exposure for their customers and employees consistent with the strategies described in Executive Order 2020-97 or any other that follows from it, as well as the following:

- (a) Provide access to handwashing facilities, including those available in public restrooms;
- (b) Require checkout employees to wear coverings over their noses and mouths, such as homemade masks, scarves, bandanas, or handkerchiefs;
- (c) Allow employees sufficient break time to wash hands as needed;
- (d) Use best efforts to ensure checkout employees to disinfect their hands between orders to prevent cross-contamination;

(e) Use best efforts to provide employees and customers access to an alcohol-based hand sanitizer that contains at least 60% alcohol, as recommended by the Centers for Disease Control and Prevention (CDC);

(f) Use best efforts to provide disinfecting wipes at cash registers and entrance points for customers to disinfect carts and baskets, as well as at other appropriate locations;

(g) Ensure that both employees and customers remain at least six feet apart to the maximum extent possible, including during employee breaks, for example by reviewing floor plans, creating temporary barriers, designating aisles as one-way only, and demarcating queueing distances;

(h) Close self-serve prepared food stations such as salad bars;

(i) Eliminate free samples and tasting stations;

(j) Adopt procedures to meet the environmental cleaning guidelines set by the CDC, including by cleaning and disinfecting frequent touchpoints throughout the day such as point of sale terminals at registers, shopping carts, and shopping baskets;

(k) Prohibit employees who are sick from reporting to work and send employees home if they display symptoms of COVID-19. Employees who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should follow the procedures of Executive Order 2020-36 or any order that follows from it;

(l) Accommodate employees who fall within a vulnerable population by providing lower-exposure work assignments or giving them the option to take an unpaid leave of absence with a return date coinciding with the end of the declared states of emergency and disaster, or May 21, 2020, whichever is later. Nothing in this executive order abrogates any right to disability benefits. Employees who take an unpaid leave of absence as described in this subsection are encouraged to apply for unemployment benefits;

(m) Close to the public for sufficient time each night to allow stores to be properly sanitized;

(n) Encourage cash transactions to be processed at self-checkout kiosks when possible; and

(o) Develop and implement a daily screening program, as described herein, for all staff upon or just prior to reporting to work sites.

(1) The screening procedures must include the following questions:

(A) Do you have any of the following symptoms?

(i) Fever of 100.4 degrees or higher (as measured by a touchless thermometer if available, but a verbal confirmation of lack of fever is sufficient if a touchless thermometer is not available);

(ii) Cough (excluding chronic cough due to a known medical reason other than COVID-19);

(iii) Shortness of breath or difficulty breathing; or

(iv) Sore throat.

(B) Have you travelled internationally or outside of Michigan in the last 14 days, excluding commuting from a home location outside of Michigan? For purposes of this order, commuting is defined as traveling between one's home and work on a regular basis.

(C) Have you had any close contact in the last 14 days with someone with a diagnosis of COVID-19?

(2) Any affirmative response to screening questions (1)(A) or (B) above requires the individual to be excluded:

(A) For at least 72 hours with no fever (three full days of no fever without use of medicine that reduces fever) and other symptoms have improved (for example, when cough and shortness of breath have improved) and at least seven days have passed since symptoms first appeared.

(B) Except for necessary workers engaged in travel related to supply chain and critical infrastructure, for 14 days following travel unless that travel was due to commuting from a home location outside of Michigan.

(3) An employee who provides an affirmative response to screening question (1)(C) may be allowed to continue work at the employer's discretion provided they remain asymptomatic and the employer implements the following additional precautions to protect the employee and the community:

(A) Employers should measure the employee's temperature and assess symptoms each day before they start work. Ideally, temperature checks should happen before the individual enters the facility. A touchless thermometer, or a dedicated thermometer for the employee if not touchless, should be used. Sharing of any thermometer other than a touchless thermometer is strictly prohibited.

(B) As long as the employee does not have a fever or other symptoms, they should self-monitor under the supervision of their employer's occupational health program or other programs in place to protect employee health and safety.

(C) If the employee begins to experience symptoms during the day, they should be sent home immediately.

(D) The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.

(E) The employee should maintain at least six feet of distance from other people as work duties permit.

(F) Beyond standard cleaning protocol, clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment routinely known to be impacted by the exposed employee for 14 days after last exposure.

(4) Nothing in this section limits the operations of first responders, health care institutions, public health functions, pharmacies, and other entities that are involved in the mitigation of risk during this pandemic.

4. Vendors moving between food-selling establishments must frequently clean and disinfect frequent touch points.

5. If an employee at a food-selling establishment tests positive for COVID-19, the establishment must notify food vendors and other employees of the positive test result as soon as possible and in no case later than 12 hours after receiving the test result, without revealing the personal health-related information of any employee.

6. Strict compliance with sections 3119, 4109, 4113, and 4115 of the Food Law, 92 PA 2000, as amended, MCL 289.3119, MCL 289.4109, MCL 289.4113, and MCL 289.4115, is temporarily suspended to the extent necessary to extend the deadline for local health departments to submit fees under section 3119, and to extend the license and registration expiration dates under sections 4109 and 4115, until 60 days after the end of the declared states of emergency and disaster. Furthermore, late fees shall not be assessed under sections 4113 or 4115 during the 2020–2021 license year.

7. Strict compliance with subsection 6137 of the Food Law, MCL 289.6137, is suspended to the extent necessary to make a license holder eligible for a special transitory temporary food unit for the 2020–2021 licensing year, even if the license holder received only 1 evaluation during the 2019–2020 licensing year.

8. For the purposes of this order, “food-selling establishments” means grocery stores, convenience stores, restaurants that sell groceries or food available for takeout, and any other business that sells food.

9. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order, excepting section 1 of this order, is a misdemeanor.

10. This order is effective immediately and continues through June 12, 2020.

11. Executive Order 2020-71 is rescinded.

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

Date: May 29, 2020

Time: 8:12 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 June 1, 2020, and read:

EXECUTIVE ORDER
No. 2020-110

Temporary restrictions on certain events, gatherings, and businesses

Rescission of Executive Orders 2020-69 and 2020-96

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

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

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious

institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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

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

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

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

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

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day continues to drop. Although the virus remains aggressive and persistent—on May 31, 2020, Michigan reported 57,397 confirmed cases and 5,491 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are now in the process of gradually resuming in-person work and activities. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

With this order, I find it reasonable and necessary to move the state to Stage 4 of the Michigan Safe Start Plan. As a result, Michiganders are no longer required to stay home. Instead, certain businesses will remain closed and specific activities that present a heightened risk of infection will remain prohibited. Any work that is capable of being performed remotely must be performed remotely.

Under this order, retailers will be allowed to resume operations on June 4. Restaurants and bars may reopen fully on June 8. Swimming pools and day camps for kids will also be permitted to reopen on the same day. Those businesses and activities will be subject to safety guidance to mitigate the risk of infection. Other businesses and activities that necessarily involve close contact and shared surfaces, including gyms, hair salons, indoor theaters, tattoo parlors, casinos, and similar establishments, will remain closed for the time being.

Michiganders must continue to wear face coverings when in enclosed public spaces and should continue to take all reasonable precautions to protect themselves, their co-workers, their loved ones, and their communities. Indoor social gatherings and events of more than 10 people are prohibited. Outdoor social gatherings and events are permitted so long as people maintain six feet of distance from one another and the assemblage consists of no more than 100 people.

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

1. For purposes of this order, Michigan comprises eight separate regions.

(a) Region 1 includes the following counties: Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne.

(b) Region 2 includes the following counties: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia.

(c) Region 3 includes the following counties: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch.

(d) Region 4 includes the following counties: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron.

(e) Region 5 includes the following counties: Gratiot, Clinton, Shiawassee, Eaton, and Ingham.

(f) Region 6 includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.

(g) Region 7 includes the following counties: Hillsdale, Lenawee, and Jackson.

(h) Region 8 includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.

2. Any work that is capable of being performed remotely (i.e., without the worker leaving his or her home or place of residence) must be performed remotely.

3. Any business or operation that requires its employees to leave their home or place of residence for work is subject to the rules on workplace safeguards in Executive Order 2020-97 or any order that may follow from it.

4. Any individual who leaves his or her home or place of residence must:

(a) Follow 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.

(b) Wear a face covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space, unless the individual is unable medically to tolerate a face covering.

(1) An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes. An individual may also remove a face covering to eat or drink when seated at a restaurant or bar.

(2) Businesses and building owners, and those authorized to act on their behalf, are permitted to deny entry or access to any individual who refuses to comply with the rule in this subsection (b). Businesses and building owners will not be subject to a claim that they have violated the covenant of quiet enjoyment, to a claim of frustration of purpose, or to similar claims for denying entry or access to a person who refuses to comply with this subsection (b).

(3) 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.

(4) 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.

5. Indoor social gatherings and events among persons not part of a single household are permitted, but may not exceed 10 people.

6. Outdoor social gatherings and events among persons not part of a single household are permitted, but only to the extent that:

(a) The gathering or event does not exceed 100 people, and

(b) People not part of the same household maintain six feet of distance from one another.

7. Unless otherwise prohibited by local regulation, outdoor parks and recreational facilities may be open, provided that they make any reasonable modifications necessary to enable employees and patrons not part of the same household to maintain six feet of distance from one another, and provided that areas in which social distancing cannot be maintained be closed, subject to guidance issued by the Department of Health and Human Services.

8. Unless otherwise prohibited by local regulation, public swimming pools, as defined by MCL 333.12521(d), may open as of June 8, 2020, provided that they are outdoors and limit capacity to 50% of the bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code, and subject to guidance issued by the Department of Health and Human Services. Indoor public swimming pools must remain closed.

9. Day camps for children, as defined by Rule 400.11101(i) of the Michigan Administrative Code, may open as of June 8, 2020, subject to guidance issued by the Department of Licensing and Regulatory Affairs. Residential, travel, and troop camps within the meaning of Rule 400.11101(n), (p), or (q) of the Michigan Administrative Code must remain closed for the time being.

10. Unless otherwise prohibited by local regulation, libraries and museums may open as of June 8, 2020, subject to the rules governing retail stores described in Executive Order 2020-97 or any order that may follow from it.

11. Stores that were closed under Executive Order 2020-96 (or that were open only by appointment under the same order) must remain closed to the public (or open only by appointment) until June 4 at 12:01 a.m. Such stores may then resume normal operations, subject to local regulation and to the capacity constraints and workplace standards described in Executive Order 2020-97 or any order that may follow from it.

12. Subject to the exceptions in section 14, the following places are closed to ingress, egress, use, and occupancy by members of the public:

(a) Indoor theaters, cinemas, and performance venues.

(b) Indoor gymnasiums, fitness centers, recreation centers, sports facilities, exercise facilities, exercise studios, and the like.

(c) Facilities offering non-essential personal care services, including hair, nail, tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services that involve close contact of persons.

(d) Casinos licensed by the Michigan Gaming Control Board, racetracks licensed by the Michigan Gaming Control Board, and Millionaire Parties licensed by the Michigan Gaming Control Board.

(e) Indoor services or facilities, or outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes, such as amusement parks, arcades, bingo halls, bowling alleys, indoor climbing facilities, indoor dance areas, skating rinks, trampoline parks, and other similar recreational or entertainment facilities.

13. Unless otherwise prohibited by local regulation, restaurants, food courts, cafes, coffeehouses, bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and like places may be open to the public as follows:

(a) For delivery service, window service, walk-up service, drive-through service, or drive-up service, and may permit up to five members of the public at one time for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

(b) In Regions 1, 2, 3, 4, 5, and 7, beginning at 12:01 a.m. on June 8, 2020, for outdoor and indoor seating, subject to the capacity constraints and workplace standards described in Executive Order 2020-97 or any order that may follow from it.

(c) In Regions 6 and 8, for outdoor and indoor seating, subject to the capacity constraints and workplace standards described in Executive Order 2020-97 or any order that may follow from it.

14. The restrictions imposed by sections 12 and 13 of this order do not apply to any of the following:

(a) Outdoor fitness classes, athletic practices, training sessions, or games, provided that coaches, spectators, and participants not from the same household maintain six feet of distance from one another at all times during such activities, and that equipment and supplies are shared to the minimum extent possible and are subject to frequent and thorough disinfection and cleaning.

(b) Services necessary for medical treatment as determined by a licensed medical provider.

(c) Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

(d) Crisis shelters or similar institutions.

(e) Food courts inside the secured zones of airports.

(f) Employees, contractors, vendors, or suppliers who enter, use, or occupy the places described in section 12 of this order in their professional capacity.

15. 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.

16. Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 19 of this order for allowing religious worship at such place. No individual is subject to penalty under section 19 of this order for engaging in religious worship at a place of religious worship, or for violating the face covering requirement of section 4(b) of this order.

17. Executive Orders 2020-69 and 2020-96 are rescinded. Except as specified, nothing in this order supersedes any other executive order. This order takes effect immediately unless otherwise specified.

18. In determining whether to maintain, intensify, or relax the restrictions in this order, 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.

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

Date: June 1, 2020

Time: 2:27 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 2, 2020, and read:

EXECUTIVE ORDER
No. 2020-111

**Protecting the Food Supply and Migrant and Seasonal Agricultural Workers from
the effects of COVID-19**

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

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

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

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

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

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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.

COVID-19 can spread easily in setting when many people live in close proximity, such as the migrant housing camps that house thousands of migrant agricultural workers in Michigan each year. Migrant agricultural workers are an essential workforce in Michigan and securing their health and well-being will ensure that Michigan’s food supply chain is not disrupted.

Taking preventive measures now will save lives and keep the state’s agricultural sector running smoothly and consistently. Those who provide housing for Michigan’s migrant agricultural workers must implement plans to prevent exposure to the novel coronavirus that causes COVID-19, care for individuals with COVID-19, and prevent the spread of disease among their workers based on this directive. The state must take proactive, preventive measures to create safer living conditions for migrant workers.

Thus, to ensure the safety of migrant workers as well as the sustainability of Michigan’s food supply, it is reasonable and necessary to create temporary new requirements relating to the housing and working conditions of migrant and seasonal agricultural workers in the state during the COVID-19 pandemic.

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

1. All owners and operators of employer-provided migrant housing camps licensed by the Michigan Department of Agriculture and Rural Development (“camps”) must comply with section 1 of Executive Order 2020-97 or any order that follows it, providing camp residents with the same safeguards as businesses are required to provide their workers while at work. Within two weeks of the effective date of this order, a camp must post its 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 at <https://www.osha.gov/Publications/OSHA3990.pdf>.

2. In addition to section 1, all camp owners and operators must, at a minimum:

(a) Separate beds by at least six feet or more in all directions wherever possible, and encourage camp residents to sleep head-to-toe.

(b) Provide isolation housing for COVID-19-suspected residents who have not received a positive result from a COVID-19 test, unless the COVID-19-suspected resident resides in a one-family housing unit or in a family living unit that is part of a multifamily unit and can effectively isolate themselves within the unit.

(c) Provide housing, dining, and bathroom facilities for COVID-19-confirmed residents separate from residents who are not COVID-19-confirmed. Such facilities may be shared with other COVID-19-confirmed residents.

(d) Ensure regular ventilation of rooms where COVID-19-suspected residents are housed (e.g., by opening screened windows to the outside to let fresh air circulate).

(e) Ensure that anyone who delivers food and water to isolated residents is equipped with appropriate PPE.

(f) Arrange for COVID-19-suspected and COVID-19-confirmed residents to be evaluated by a medical provider through the local health department or federally qualified health center.

(g) Attempt to collect emergency contact numbers for each worker.

(h) Ensure that camp employees and residents have access to the phone number of the local health department. MiOSHA requires “camp superintendents” (or those providing the housing) to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease. (29 CFR 1910.142(l)(1)). Additionally, camp owners and operators must ensure that the name, phone number, and email address of the camp superintendents is posted prominently in a central location.

(i) Conspicuously post workers’ housing address in a central location to ensure that workers will be able to call a 911 operator if needed.

(j) Conspicuously post the phone number for the Michigan Coronavirus hotline, 888- 535-6136, and include on the posting a statement that if workers would like to make a CONFIDENTIAL complaint about unsafe working or employer provided living conditions, they may call the hotline number.

(k) Adopt any additional infection control measures consistent with guidance issued by the Department of Health and Human Services (“DHHS”).

3. MDARD must use best efforts to conduct outreach visits to each migrant labor housing camp licensed under Part 124 of the Public Health Code within 20 working days of occupant arrival to review the rules issued pursuant to this order and any relevant DHHS guidance. MDARD may contract with third-party providers to provide these services.

4. Definitions.

(a) “COVID-19-suspected resident” includes a camp resident who has symptoms of COVID-19 (e.g., fever, cough, shortness of breath) but has not yet received a COVID-19 diagnostic test result.

(b) “COVID-19-confirmed resident” includes a camp resident who has received a positive result from a COVID-19 diagnostic test and has not subsequently discontinued transmission-based precautions based on a strategy outlined by the CDC. A description of the CDC recommendations for discontinuation of transmission-based precautions may be accessed at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-hospitalized-patients.html>.

5. The rules described in sections 1 and 2 have the status of regulations adopted by the Michigan Department of Agriculture and Rural Development (“MDARD”). Any challenge to civil or criminal penalties imposed by MDARD for violating any of the rules described in sections 1 and 2 will proceed through the same administrative review process as any challenge to a civil or criminal penalty imposed by the department or agency for a violation of its own rules.

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

7. This order is effective upon issuance and remains effective through June 29, 2020 at 11:59 p.m.

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

Date: June 1, 2020

Time: 8:53 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following messages from the Governor were received and read:

May 29, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.16521, 333.16121 and 333.16122:

Michigan Board of Acupuncture

Ms. Carey Ryan of 102 Longman Lane, Ann Arbor, Michigan 48103, county of Washtenaw, succeeding Anne Biris whose term expires June 30, 2020, appointed to represent acupuncturists, for a term commencing July 1, 2020 and expiring June 30, 2024.

May 29, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Executive Order No. 2014-9, MCL 400.1081:

Commission on Community Action and Economic Opportunity

Ms. Carolyn A. Bloodworth of 5002 Rimers Drive, Jackson, Michigan 49201, county of Jackson, succeeding Fran Amos whose term expires June 21, 2020, appointed to represent the private sector, for a term commencing June 22, 2020 and expiring June 21, 2023.

Ms. Jill L. Edwards-Sutton of 8500 E. Chippewa Trail, Mt. Pleasant, Michigan 48858, county of Isabella, reappointed to represent community action agencies, for a term commencing June 22, 2020 and expiring June 21, 2023.

Ms. Tiffany Mayers of 2841 Stonegate Drive, Flint, Michigan 48507, county of Genesee, succeeding LaTarro Traylor whose term expires June 21, 2020, appointed to represent low-income persons, for a term commencing June 22, 2020 and expiring June 21, 2023.

Ms. Milinda Ysasi of 1345 Columbia Avenue, N.E., Grand Rapids, Michigan 49546, county of Kent, succeeding James Borchard whose term expires June 21, 2020, appointed to represent elected public officials, for a term commencing June 22, 2020 and expiring June 21, 2023.

May 29, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 232 of 1965, MCL 290.657:

Michigan Wheat Promotion Committee

Mr. Jeffery R. Krohn of 3232 Hartsell Road, Owendale, Michigan 48754, county of Huron, succeeding David Milligan whose term expires May 31, 2020, appointed to represent District 7 growers, for a term commencing June 1, 2020 and expiring May 31, 2023.

Mrs. Sally M. McConnachie of 2820 Forester Road, Deckerville, Michigan 48427, county of Sanilac, reappointed to represent District 5 growers, for a term commencing June 1, 2020 and expiring May 31, 2023.

Mr. Carl R. Wagner, III of 11025 M-140, Niles, Michigan 49120, county of Berrien, succeeding Marc Hasenick whose term expires May 31, 2020, appointed to represent District 2 growers, for a term commencing June 1, 2020 and expiring May 31, 2023.

Respectfully,
Gretchen Whitmer
Governor

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

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:07 a.m.

11:16 a.m.

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

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator MacGregor introduced

Senate Bill No. 946, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of that specific tax; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide penalties.

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

Senator MacGregor introduced

Senate Bill No. 947, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9p.

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

Senators Chang, Geiss, Brinks, McMorrow, Bayer, Ananich, Wojno and Irwin introduced

Senate Bill No. 948, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 34301, 34305, 34307, 34309, 34311, and 34313.

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

Senators Bayer, Geiss, Brinks, Chang, McMorrow, Ananich, Wojno and Irwin introduced

Senate Bill No. 949, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 34301, 34305, 34307, 34309, 34311, and 34313.

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

Senators Geiss, Chang, Brinks, McMorrow, Bayer, Ananich, Wojno and Irwin introduced

Senate Bill No. 950, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3111b and 3115 (MCL 324.3111b and 324.3115), section 3111b as added by 2004 PA 142 and section 3115 as amended by 2004 PA 143.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 940

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Hollier 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 with a substitute therefor, the following bill:

Senate Bill No. 940, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2018 PA 633.

Substitute (S-1)

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 417

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 417, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17744a and 17744d (MCL 333.17744a and 333.17744d), section 17744a as amended and section 17744d as added by 2015 PA 221.

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. 154

Yeas—38

Alexander
Ananich
Barrett
Bayer

Geiss
Hertel
Hollier
Horn

MacGregor
McBroom
McCann
McMorrow

Santana
Schmidt
Shirkey
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. 418, entitled

A bill to allow certain law enforcement officers and firefighters to administer auto-injectable epinephrine in certain circumstances; to provide access to auto-injectable epinephrine by eligible entities, law enforcement officers, and firefighters; and to limit civil and criminal liability of certain entities and individuals.

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. 155

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. 843, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1178 (MCL 380.1178), as amended by 2019 PA 38.

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. 156

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. 844, entitled

A bill to amend 2019 PA 39, entitled “Administration of opioid antagonists act,” by amending section 107 (MCL 15.677).

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. 157

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 proceeded to the order of
Statements

Senators Bullock, Hollier, Stamas and Ananich asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bullock's statement is as follows:

I rise again just to say what's on my spirit; my heart. I'm really just tired of being sick and tired, right? And I do not have all the answers for black America so I know it's a burden that I carry being one of three African Americans in this chamber, but I don't.

2020 has been a Shakespearean tragedy. The commander-in-chief has been inept in his leadership. My colleagues across the aisle, I put this on you here in the state of Michigan. Politics aside, I understand politics. I understand the banter. I understand when we go back and forth. But the politricks, I don't understand. What I don't understand is condoning, supporting, excusing, and justifying racist antics, insensitive behavior, and police brutality; and the real crux for me is silence. Silence about racism; silence about police brutality; silence about insensitive conduct and the implicit biases make you guilty.

Racism is an issue you cannot be silent on. You cannot say 'I'm not a racist' and sit on the sidelines. When you get up and you speak and preach about leadership, honesty, honor, and communication and if you are unwilling to speak up for those who are subjugated to these injustices, how can you in good conscience say you speak for the people? We are all the people. Black people are people. The last few months have been filled with injustice. Arbery down in Georgia, Shatina Diggins in Washtenaw County, and of course George Floyd's death in Minnesota. Here in this chamber we have had insensitive symbols, AK-47s and AR-15s in the Capitol—in the Gallery—while folks spewed hate and terrible rhetoric from their lips. We have had a modern-day minstrel blackface show on the steps of the Capitol, and not one word from my 22 colleagues across the aisle.

Yes, we had an op-ed this weekend. We had someone speak out about the thugs at the Governor's residence. We even had someone call them names. But yet, many of you went to frolic with them while they were spitting these racial epithets. Folks drove to their communities and hung out. These things I cannot accept. Racism is exhausting and for those of us who deal with it daily, this weekend you saw it come to a head; a culmination of frustration and racial oppression, implicit biases, unacceptable leadership, racial profiling, and overall anger at how little the worth of black life plays into the American agenda. While I support the right and freedom to assemble peacefully, I support the right and freedom to be angry—we have every right to be angry when black and brown people are being persecuted by citizens, but especially the law.

Good people are venting in the right way, in the right manner, and the only way they know how. What I don't accept are the agitators who have infiltrated a righteous cause with mercenary motives. I don't accept, yet I completely understand because we are not being heard or valued. So you get an explosion and outlet to destroy something or someone. To those individuals I say it's okay to be angry. But let's be angry with a strategy. Tearing up our own communities has never been the answer. I'm angry. I'm frustrated. This is not a new issue. It's just magnified by real-time imagery. Since the day Honorable Coleman Young sat in this chamber and ventured to be the Detroit Mayor, he hired the first African American police chief, William Hart, and they dismantled STRESS—for those of you who know what STRESS is, the Big Four—they came in the community and they kicked butt.

So sometimes we have to look back and take some of that advice. We've been lucky in Detroit. We haven't had a major incident since Malice Green, and they were persecuted. They went to jail, so as we look back, we need you to help us address these issues and silence is not the answer. Silence is not an option. I took a look at a positive protest. I took my 15-year-old son out this weekend to a protest.

Senator Höllicher's statement is as follows:

I just want to share some news. As we started a week talking about COVID-19, as we continue to grapple with all the things going on, I just ask that we would continue to recognize the importance of getting tested and having good information. On Friday, as part of Detroit's increase of coronavirus testing, there was both the antibody and the regular COVID-19 testing just a couple blocks from my home. As the guidance has changed and as people are getting back out, because the city and the mayor have asked people to get tested and the Governor has encouraged people to get tested, I got tested. Thank God, I tested both negative but unfortunately also tested negative for the antibodies.

I know many of us are starting to feel comfortable that we got sick in November or January or February and feel like maybe we do have some antibodies but I just want to remind everybody that not only is the threat still high but potentially higher now than it has ever been because people are going to be back out. People are going to be continuing to do those kinds of things. As you saw people peacefully protesting, peacefully navigating, and moving about to deal with injustice and deal with all those kinds of things, you saw them gathering closely. You are seeing people going back to stores, you're seeing people going back to work.

Please continue to encourage yourselves and your family, friends, and constituents to get tested because we cannot continue to make decisions without good information. I'd ask that everyone get tested, I'd ask that you encourage your residents to do so, and that we continue to support testing efforts throughout the state.

Senator Stamas' statement is as follows:

As we've watched what's happened over these last few days over something that truly should never have occurred and listening to my good colleague from the 4th District, I cannot sit in the chair and not say, Senator, I stand with you. Silence must stop. We must work together to stop the injustice. I thank you for your comments.

Senator Ananich's statement is as follows:

I have something on a little more, very heavy and important discussion that the Senator from the 4th District, echoed by the Senator from the 36th District mentioned today, but I want to take a moment—I'm sure the Majority Leader has done this in his caucus with his member, and I know Senator Lucido did a nice job—of welcoming the newest family member of one of our colleagues, the Senator from the 10th District. We traded phone messages back and forth. I just wanted to send my congratulations directly to Senator MacDonald. Being the father of a four-year-old, just wanted to hope you can fondly remember what sleep was like because you're not going to have it for a while. It's the best blessing you're ever going to have, and congratulations. Mazel tov.

Announcements of Printing and Enrollment

The Secretary announced that the following bills and resolution were printed and filed on Thursday, May 28 and are available on the Michigan Legislature website:

Senate Bill Nos. 942 943 944 945

Senate Resolution No. 121

House Bill Nos. 5811 5812 5813 5814 5815 5816 5817 5818 5819 5820 5821 5822 5823

Committee Reports

The Committee on Finance reported

Senate Bill No. 940, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2018 PA 633.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Jim Runestad
Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

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 Finance submitted the following:

Meeting held on Thursday, May 28, 2020, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Runestad (C), Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

The Committee on Regulatory Reform reported

House Bill No. 5164, entitled

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending sections 907, 943, 945, and 947 (MCL 339.5907, 339.5943, 339.5945, and 339.5947) and by adding section 946.

With the recommendation that the bill pass.

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

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 5315, entitled

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

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

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

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki 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 Regulatory Reform submitted the following:

Meeting held on Thursday, May 28, 2020, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Scheduled Meetings

Appropriations - Wednesday, June 3, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

Finance - Wednesday, June 3, 12:30 p.m., Room S403, 4th Floor, Capitol Building (517) 373-5312

Health Policy and Human Services - Thursday, June 4, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Regulatory Reform - Thursday, June 4, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5314

Transportation and Infrastructure - Wednesday, June 3, 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 11:39 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, June 3, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate