

No. 75  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Wednesday, September 30, 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 Assistant 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 Lana Theis of the 22nd District offered the following invocation:

Lord, we pray for our fellow members of the Senate and House. Reveal Yourself to us and bring us closer to You that we may hear Your voice clearly and distinctly. Speak to us of truth and integrity. Return us, we pray, to the good and lofty aspirations we had when we ran for office in the first place. Give each one of us strength to reach out to those across the aisle and work together to help the citizens of Michigan absent political gamesmanship. We boldly pray that You would bind our hearts together in ways we would not have imagined. Let us declare as King David did, "How good and pleasant it is when God's people live together in unity." Jesus, we believe what you said, "What is impossible with man is possible with God."

Let us see the good works done by people of faith across our state and our districts. Let our eyes be opened to what You are doing through our church and the precious believers across the country. Give us a desire to promote things that honor You. Cut through the clutter of politics as usual. Let us hear Your voice. Speak to them of honor, sacrifice, and truth.

In Jesus' name. Amen

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

### **Motions and Communications**

Senator MacGregor moved that Senator Stamas 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.

### **Messages from the Governor**

The following message from the Governor was received on September 30, 2020, and read:

#### **EXECUTIVE ORDER**

No. 2020-186

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

#### **Rescission of Executive Order 2020-177**

Where Michigan was once among the states most heavily hit by COVID-19, our per-capita rate of new daily cases has plateaued at a level well below the national average. Despite gradually reopening our economy, Michigan's seven-day case positivity rate has remained between 3.0% and 3.7% since early July. Over the same time period, case growth has also remained within a narrow band of 61 to 71 daily new cases per million population, by date of symptom onset. As Michigan students have returned to in-person learning, schools and colleges have become the leading source of outbreaks in our state, surpassing nursing homes for the first time. Moreover, the number of counties experiencing severe outbreaks (in excess of 100 cases per million per day) appears to be on the rise, raising the possibility that hospital systems could become overwhelmed if such flareups are not quickly extinguished.

There is much we do not know about this novel virus, but we know at least three things for certain: it is widespread, it is easily transmitted by airborne particles, and its effects can be fatal. That lethal combination, combined with ongoing uncertainty about how to defeat it, means that the health, economic, and social harms of the COVID-19 pandemic remain severe and affect every corner of this state. The COVID-19 pandemic therefore constitutes a statewide emergency and disaster.

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On March 10, 2020, I issued Executive Order 2020-4, which declared a state of emergency in Michigan to address the COVID-19 pandemic. This disease, caused by a novel coronavirus not previously identified in humans, can easily spread from person to person and can result in serious illness or death. There is currently no approved vaccine.

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

On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan. Like Executive Order 2020-4, this declaration was based on multiple independent authorities: section 1 of article 5 of the Michigan Constitution of 1963; the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 *et seq.*; and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.* On April 7, 2020, the Michigan legislature adopted a concurrent resolution to extend the states of emergency and disaster declared under the Emergency Management Act until April 30, 2020.

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On August 21, 2020, the Court of Appeals ruled that my declaration of a state of emergency, my extensions of the state of emergency, and my issuance of related executive orders clearly fell within the scope of the governor’s authority under the Emergency Powers of the Governor Act.

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

These statewide measures were effective. For example, a report released by the Imperial College COVID-19 Response Team showed that my actions significantly lowered the number of cases and deaths that would have occurred had the state done nothing. And while the virus remains aggressive and persistent—on September 28, Michigan reported a total of 122,735 confirmed cases and 6,729 deaths—the strain on our health care system has relented, even as our testing capacity has increased.

In the meantime, the economic toll continues to mount. Between March 15 and May 30, Michigan received 2.2 million initial unemployment claims—the fifth-highest nationally, amounting to more than a third of the Michigan workforce. During this crisis, Michigan has often processed more unemployment claims in a single day than in the most painful week of the Great Recession, and the state already saw its highest unemployment rate since the Great Depression (22.7% in April). The Michigan Department of Treasury projects that the pandemic will cost the state \$1 billion in revenue this fiscal year. Even as Michigan experiences unemployment rates not seen in decades, federal unemployment assistance has dwindled from \$600 per week to \$300. Without further action by Congress, even this limited federal assistance will run out.

In addition to these challenges, many Michigan students have returned to in-person instruction. Meanwhile, the state has seen schools and colleges become the leading source of outbreaks, even ahead of nursing homes. In addition to the risk of fatalities among our younger age groups, we are still learning about the long-term health consequences of this, including impacts on the heart, lungs, kidneys, and brain, which could impact generations for years to come.

The health, economic, and social harms of the COVID-19 pandemic thus remain widespread and severe, and they continue to constitute a statewide emergency and disaster. Though local health departments have some limited capacity to respond to cases as they arise within their jurisdictions, state emergency operations are necessary to bring this pandemic under control in Michigan and to build and maintain infrastructure to stop the spread of COVID-19, trace infections, and to quickly direct additional resources to hot-spots as they

emerge. State assistance to bolster health care capacity and flexibility also has been, and will continue to be, critical to saving lives, protecting public health and safety, and averting catastrophe. Moreover, state disaster and emergency recovery efforts remain necessary not only to support Michiganders in need due to the economic effects of this pandemic, but also to ensure that the prospect of lost income does not impel workers who may be infected to report to work.

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

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

1. The COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan.

2. This order constitutes a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. Subject to the ongoing litigation, and the possibility that current rulings may be overturned or otherwise altered on appeal, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act of 1976 when emergency and disaster conditions exist yet the legislature has not granted an extension request, this order constitutes a state of emergency and state of disaster declaration under that act.

3. This order is effective immediately and continues through October 27, 2020 at 11:59 p.m. I will evaluate the continuing need for this order.

4. Executive Order 2020-177 is rescinded. All previous orders that rested on that order now rest on this order.

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

Date: September 29, 2020

Time: 6:15 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 September 30, 2020, and read:

EXECUTIVE ORDER  
No. 2020-187

**Encouraging the use of electronic signatures and remote notarization,  
witnessing, and visitation during the COVID-19 pandemic**

**Rescission of Executive Order 2020-173**

To reduce in-person interactions that may lead to the spread of COVID-19, this order continues until October 31, 2020 the suspension of certain requirements related to notarizations, witnessing of signatures, and in-person visitation previously permitted by Executive Order 2020-158.

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The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine.

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On August 21, 2020, the Court of Appeals ruled that the Governor's declaration of a state of emergency, her extensions of the state of emergency, and her issuance of related EOs clearly fell within the scope of the Governor's authority under the EPGA.

On September 29, 2020, I issued Executive Order 2020-186, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

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

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

1. Strict compliance with rules and procedures under the Uniform Electronic Transactions Act ("UETA"), 2000 PA 305, as amended, MCL 450.831 *et seq.*, and the Uniform Real Property Electronic Recording Act ("URPERA"), 2010 PA 123, as amended, MCL 565.841 *et seq.*, is temporarily suspended to the extent necessary to permit the use of an electronic signature for a transaction whenever a signature is required under Michigan law, unless the law specifically mandates a physical signature. As provided in section 7 of the UETA, MCL 450.837, a signature will not be denied legal effect or enforceability solely because it is in electronic form and if a law requires a signature, an electronic signature satisfies the law.

2. Strict compliance with rules and procedures under section 18 of the UETA, MCL 450.848, is temporarily suspended so as to permit each state department to send and accept electronic records and electronic signatures to and from other persons without a determination from or approval by the Department of Technology, Management and Budget.

3. Strict compliance the Michigan Law on Notarial Acts, 2003 PA 238, as amended, MCL 55.261 *et seq.*, is temporarily suspended, to the extent it requires a notary to be in the physical presence of an individual seeking the notary's services or of any required witnesses.

4. To minimize in-person interaction and facilitate remote work during the declared states of emergency and disaster:

- (a) Governmental agencies and officials of this state are encouraged to use or permit the use of electronic records and electronic signatures for transaction of business, processing of applications, and recognition of the validity of legal instruments, and, when a notarized signature is mandated by law, to use a remote electronic notary pursuant to the Michigan Law on Notarial Acts, MCL 55.261 *et seq.*

- (b) Persons and entities engaged in transactions are encouraged to use electronic records and electronic signatures and, when a notarized signature is mandated by law, to use a remote electronic notary pursuant to the Michigan Law on Notarial Acts, MCL 55.261 *et seq.*

5. In addition to other means available by law, any notarial act that is required under Michigan law may be performed by a notary who currently holds a valid notarial commission in this state (“notary”) utilizing two-way real-time audiovisual technology, provided that all of the following conditions are met:

(a) The two-way real-time audiovisual technology must allow direct interaction between the individual seeking the notary’s services, any witnesses, and the notary, wherein each can communicate simultaneously by sight and sound through an electronic device or process at the time of the notarization.

(b) The two-way real-time audiovisual technology must be capable of creating an audio and visual recording of the complete notarial act and such recording must be made and retained as a notarial record in accordance with sections 26b(7) to 26b(9) of the Michigan Law on Notarial Acts, MCL 55.286b(7) to 55.286b(9).

(c) The individual seeking the notary’s services and any required witnesses, if not personally known to the notary, must present satisfactory evidence of identity (e.g., a valid state-issued photo identification) to the notary during the video conference, not merely transmit it prior to or after the transaction, to satisfy the requirements of the Michigan Law on Notarial Acts, MCL 55.261 *et seq.*, and any other applicable law.

(d) The individual seeking the notary’s services must affirmatively represent either that the individual is physically situated in this state, or that the individual is physically located outside the geographic boundaries of this state and that either:

- (1) The document is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of this state; or
- (2) The document involves property located in the territorial jurisdiction of this state or a transaction substantially connected to this state.

If an individual is physically located outside of the geographic boundaries of this state, the notary must have no actual knowledge that the individual’s act of making the statement or signing the document is prohibited by the laws of the jurisdiction in which the individual is physically located.

(e) The individual seeking the notary’s services, any required witnesses, and the notary must be able to affix their signatures to the document in a manner that renders any subsequent change or modification of the remote online notarial act to be tamper evident.

(f) The individual seeking the notary’s services or the individual’s designee must transmit by fax, mail, or electronic means a legible copy of the entire signed document directly to the notary on the same date it was signed. This requirement shall apply regardless of the manner in which the document is signed.

(g) Once the notary has received a legible copy of the document with all necessary signatures, the notary may notarize the document and transmit the notarized document back to the individual seeking the notary’s services.

(h) The official date and time of the notarization shall be the date and time when the notary witnesses the signature via two-way real-time audiovisual technology as required under this section.

6. Any requirement under Michigan law that an in-person witness attest to or acknowledge an instrument, document, or deed may be satisfied by the use of two-way real-time audiovisual technology, provided that all of the following conditions are met:

(a) The two-way real-time audiovisual technology must allow direct, contemporaneous interaction by sight and sound between the individual signing the document (the “signatory”) and the witness(es).

(b) The interaction between the signatory and the witness(es) must be recorded and preserved by the signatory or the signatory’s designee for a period of at least three years, unless a law of this state requires a different period of retention.

(c) The signatory must affirmatively represent either that the signatory is physically situated in this state, or that the signatory is physically located outside the geographic boundaries of this state and that either of the following apply:

- (1) The document is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of this state; or
- (2) The document involves property located in the territorial jurisdiction of this state or a transaction substantially connected to this state.

(d) The signatory must affirmatively state during their interaction with the witness(es) on the two-way real-time audiovisual technology what document they are executing.

(e) Each title page and signature page of the document being witnessed must be shown to the witness(es) on the two-way real-time audiovisual technology in a manner clearly legible to the witness(es), and every page of the document must be numbered to reflect both the page number of the document and the total number of pages of the document.

(f) Each act of signing the document must be captured sufficiently up close on the two-way real-time audiovisual technology for the witness(es) to observe.

(g) The signatory or the signatory’s designee must transmit by fax, mail, or electronic means a legible copy of the entire signed document directly to the witness(es) within 72 hours of when it is executed.

(h) Within 72 hours of receipt, the witness(es) must sign the transmitted copy of the document as a witness and return the signed copy of the document to the signatory or the signatory's designee by fax, mail, or electronic means.

7. Notwithstanding any law or regulation of this state to the contrary, absent an express prohibition in the document against signing in counterparts, any document signed under this order may be signed in counterparts.

8. A guardian, guardian ad litem, or visitor may satisfy any requirement concerning a visit with a person, including but not limited to a visit in the physical presence of a person under the Estates and Protected Individuals Code, 1998 PA 386, as amended, MCL 700.1101 *et seq.*, by instead conferring with that person via two-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the person being visited and the guardian, guardian ad litem, or visitor.

9. Any law of this state requiring an individual to appear personally before or be in the presence of either a notary at the time of a notarization or a witness at the time of attestation or acknowledgment shall be satisfied if the individual, the witness(es), and/or the notary are not in the physical presence of each other but can communicate simultaneously by sight and sound via two-way real-time audiovisual technology at the time of the notarization, attestation, or acknowledgment.

10. For the duration of this order and any order that may follow from it, financial institutions and registers of deeds must not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person, witness, or notary, if the notary before whom it was executed certifies that the tangible copy is an accurate copy of the electronic record.

11. Strict compliance with section 9(2) of the Michigan Law on Notarial Acts, as amended, MCL 55.269(2), is temporarily suspended to the extent necessary to extend until October 31, 2020 the validity of a notarial commission that expired or is set to expire between March 1, 2020 and October 31, 2020.

12. For purposes of the "verified user agreement" requirement of section 4 of the URPERA, MCL 565.844(4), a county recording office must deem all financial institutions and all licensed title insurers or their employed or contracted settlement agents as covered by a verified user agreement for the duration of this order and any order that may follow from it. The recorder may ask the financial institution or title insurance company for verification of a notary's employment or contractual association.

13. As used in this order:

(a) "Electronic," "electronic record," "electronic signature," "governmental agency," "person," and "transaction" mean those terms as defined under section 2 of the UETA, MCL 450.832.

(b) "Financial institution" means that term as defined in section 4(c) of the Michigan Strategic Fund Act, 1984 PA 270, as amended, MCL 125.2004(c).

14. Executive Order 2020-173 is rescinded.

15. This order is effective immediately and continues through October 31, 2020 at 11:59 p.m.

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

Date: September 29, 2020

Time: 6:17 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 September 30, 2020, and read:

EXECUTIVE ORDER  
No. 2020-188

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

**Rescission of Executive Order 2020-174**

This executive order extends the visitation restrictions of Executive Order 2020-174 to protect Michigan's most vulnerable populations living in congregate settings. The Michigan Department of Health and Human Services remains empowered to specify exceptions to these restrictions.

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine.

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On August 21, 2020, the Court of Appeals ruled that the Governor's declaration of a state of emergency, her extensions of the state of emergency, and her issuance of related EOs clearly fell within the scope of the Governor's authority under the EPGA.

On September 29, 2020, I issued Executive Order 2020-186, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In the 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.

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 2020-174 is rescinded.

9. This order is effective immediately.

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

Date: September 29, 2020

Time: 6:19 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 September 30, 2020, and read:

EXECUTIVE ORDER  
No. 2020-189

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

**Rescission of Executive Order 2020-170**

The novel coronavirus presents an unusually deadly threat to people living in congregate settings like jails and prisons. In order to protect these vulnerable people, I took swift action in March 2020 to stem the tide of COVID-19 in prisons and jails by ordering a suspension of transfers from jails to prisons, and requiring the Department of Corrections to implement certain risk reduction protocols. Under this order, jails were allowed to resume transfers only upon demonstrating that they had implemented comparable risk reduction protocols.

Michigan continues to be a leader in testing for COVID-19. Our state now conducts the eighth-highest number of daily tests and requires testing in congregate settings like nursing homes and agricultural worker housing. In light of the ongoing threat of COVID-19 to jail and prison populations, and the increased availability of testing in our state, it is now reasonable and necessary to require entry, transfer, and release testing of inmates in Michigan prisons, and to allow transfers only from jails that implement comparable testing protocols.

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.

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 EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On August 21, 2020, the Court of Appeals ruled that the Governor's declaration of a state of emergency, her extensions of the state of emergency, and her issuance of related EOs clearly fell within the scope of the Governor's authority under the EPGA.

On September 29, 2020, I issued Executive Order 2020-186, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

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

Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:

**1. Transfers from jails to prisons.** All transfers into the custody of the Department of Corrections ("Department") are temporarily suspended unless the transferring jail or local lockup satisfactorily implements both the risk reduction protocols described in section 2 and the testing protocols described in section 3.

(a) Beginning seven days from the effective date of this order, and no more than once every seven days, a jail or local lockup may request that the Director of the Department ("Director") determine that the jail or lockup has satisfactorily implemented both the risk reduction protocols described in section 2 and the testing protocols described in section 3.

(b) Upon inspection, if the Director determines that a jail or local lockup has satisfactorily implemented risk reduction protocols and testing protocols, transfers from that jail or lockup will resume in accordance with those protocols.

(c) Jails and local lockups must provide documentation of each transferee's testing history upon transfer. The Director may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.

(d) Parole violators in the Department's custody must not be transported to or lodged in a county jail or local lockup unless the Director has determined that such county jail or local lockup has satisfactorily

implemented both the risk reduction protocols described in section 2 and the testing protocols described in section 3.

**2. Risk reduction protocols.** The Department must implement risk reduction protocols to address COVID-19, including the following:

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

(b) Isolating and testing any inmate who has one or more of the principal symptoms of COVID-19, including fever, sore throat, a new uncontrolled cough that causes difficulty breathing, diarrhea, vomiting, abdominal pain, new onset of a severe headache, and new loss of taste or smell.

(c) Restricting all indoor inmate visitation, except for service providers (including but not limited to educational, legal, and medical professionals), conducting any visitation without physical contact to the extent feasible.

(d) Coordinating with local public health departments on isolation plans and outbreak response.

(e) Notifying the local public health department of any suspected or confirmed case of COVID-19.

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

(g) To the extent feasible, opening windows and doors, and using fans, to increase air circulation; considering taking additional steps to improve ventilation in the facility, in consultation with an HVAC professional, based on local environmental conditions.

(h) Conducting routine cleaning and sanitizing consistent with CDC guidance, as provided at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/index.html>.

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

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

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

(l) Requiring inmates and staff to practice social distancing to the fullest extent feasible, and to wear facial coverings when maintaining six feet of social distance from persons housed separately is not possible.

(m) Minimizing crowding, which may include scheduling more times for meal and recreation to reduce person-to-person contact.

(n) During transport, ensuring that staff and inmates wear facial coverings and maintain appropriate social distance, including by reducing vehicle capacity.

**3. Testing protocols.** Consistent with guidance issued by the Michigan Department of Health and Human Services, the Department must conduct COVID-19 diagnostic testing in all of its facilities as follows (obtaining consent of the individual or other person legally authorized to make medical care decisions for the individual):

(a) Except as otherwise provided in this subsection, test all inmates entering a facility at least once, and no more than 48 hours after entry, or in the 72 hours prior to intake. Although testing is recommended for all inmates entering a facility, this requirement does not apply to inmates held outside general population, housed in single cells (i.e. without other inmates), released within 24 hours, and provided with educational materials on the importance of testing and contact tracing.

(b) Test any inmate scheduled to be transferred to another facility, including a Department facility, within 72 hours prior to transfer. The test conducted pursuant to subsection (a) satisfies the requirements of this subsection if conducted within the 72 hours prior to transfer.

(c) Test any inmate scheduled for release within 72 hours prior to release. The test conducted pursuant to subsection (a) satisfies the requirements of this subsection if conducted within the 72 hours prior to transfer. An inmate must not be detained solely because they refuse consent for a COVID-19 test or because of positive COVID-19 status, but the Department must not release an inmate into any other congregate setting if that inmate is in isolation protocol.

(d) In case of a sustained outbreak (any confirmed positive case identified within the last 14 days epidemiologically linked to another positive case within the same facility) or other high-risk situation, conduct ongoing testing coupled with contact tracing, in coordination with the local public health department.

(e) Isolate and medically manage any inmate who tests positive for COVID-19 as appropriate. Except for transfers to isolation units, to manage medical needs, or for exigent security reasons, inmates testing positive should not be transferred to another corrections facility or other congregate setting, unless they meet the following criteria:

(1) At least 10 days have passed since symptom onset, except in cases in which infection-control experts recommend longer isolation (e.g., up to 20 days in severely immunocompromised persons), and;

(2) At least 24 hours have passed since resolution of fever without the use of fever-reducing medications and;

(3) Other symptoms have improved.

(f) Isolate any inmate who refuses a test for COVID-19 when required to be tested for 14 days. Except for transfers to isolation units (including isolation units at another correctional facility), to manage medical needs, or for exigent security reasons, inmates held in isolation under this subsection should not be transferred to another corrections facility or other congregate setting during this 14-day isolation period.

(g) In the event that a former inmate who has been released tests positive for COVID-19, the Department must make reasonable efforts to notify that individual of their tests (such as calling the number provided by that individual) or arrange for an alternative notification method.

#### 4. State assistance for expanded testing.

(a) The Department of Health and Human Services must provide direct assistance with testing supplies, specimen collection, and laboratory processing to jails and local lockups that request assistance, as resources permit. Jails and local lockups may submit requests for assistance to [MDHHS-cjtestingrequests@michigan.gov](mailto:MDHHS-cjtestingrequests@michigan.gov).

(b) A jail or local lockup that receives assistance yet still cannot comply with the testing protocols described in section 3 due to delays in test processing time may request adjustments to the timing requirements of section 3, which the Director may grant in her sole discretion.

5. **Priority release.** To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act (“CJOA”), 1982 PA 325, MCL 801.51 *et seq.*, is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA. Anyone authorized to act under this section is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:

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

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

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

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

6. **Reimbursement to counties.** The State Budget Office must ensure that counties are reimbursed for lodging inmates who would have been transferred into the Department’s custody if not for the suspension of transfers.

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

(a) Adopting the risk reduction protocols and testing protocols described in sections 1 and 2.

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

(c) Eliminating any form of juvenile detention or residential facility placement except for juveniles who are determined to be a substantial and immediate safety risk to themselves or others.

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

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

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

9. **Effective Date.** This order is effective immediately and continues through October 30, 2020 at 11:59 p.m.

10. **Effects on prior orders.** Executive Order 2020-170 is rescinded.

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

Date: September 29, 2020

Time: 6:21 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on September 30, 2020, and read:

EXECUTIVE ORDER  
No. 2020-190

**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 2020-178**

Beginning in May 2020, I put in place special protocols to minimize the risk of COVID-19 transmission in food-selling establishments and pharmacies, as well as provide temporary relief to Michigan's food-service industry, local health departments, and the Michigan Department of Agriculture and Rural Development (MDARD). Because buying food and medicine remains an unavoidable source of infection risk for many Michiganders, and the COVID-19 pandemic remains a serious and deadly threat, it is reasonable and necessary to again extend these policies. Given that most restaurants have resumed service, it is also reasonable and necessary to provide a date by which normal licensing requirements will resume.

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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.

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 EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On August 21, 2020, the Court of Appeals ruled that the Governor's declaration of a state of emergency, her extensions of the state of emergency, and her issuance of related EOs clearly fell within the scope of the Governor's authority under the EPGA.

On September 29, 2020, I issued Executive Order 2020-186, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). This executive order falls within the scope of those

powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

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

1. Until November 30, 2020, 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.

2. Late fees shall not be assessed under sections 4113 or 4115 during the 2020–2021 license year.

3. 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.

4. Executive Order 2020-184, Workplace Safeguards, is amended to add section 22, which provides: “22. **Food-selling establishments and pharmacies.** Food-selling establishments and pharmacies (meaning grocery stores, convenience stores, restaurants that sell groceries or food available for takeout, and any other business that sells food) must:

- (a) Provide access to handwashing facilities, including those available in public restrooms;
- (b) Allow employees sufficient break time to wash hands as needed;
- (c) Use best efforts to ensure checkout employees disinfect their hands between orders to prevent cross-contamination;
- (d) 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);
- (e) 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;
- (f) 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 queuing distances;
- (g) Close self-serve prepared food stations such as salad bars;
- (h) Eliminate free samples and tasting stations;
- (i) 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;
- (j) Prohibit employees who are sick from reporting to work and send employees home if they display symptoms of COVID-19;
- (k) 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 of October 31, 2020 or 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;
- (l) Close to the public for sufficient time each night to allow stores to be properly sanitized;
- (m) Encourage cash transactions to be processed at self-checkout kiosks when possible;
- (n) 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; and
- (o) Require vendors moving between food-selling establishments to frequently clean and disinfect frequent touch points.”

5. Executive Order 2020-178 is rescinded.

6. This order is effective immediately.

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

Date: September 29, 2020  
Time: 6:23 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.

Senator Stamas entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

**Senate Bill No. 977, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 759 (MCL 168.759), as amended by 2018 PA 603.

(This bill was returned from the House on September 29 with a House substitute (H-5), immediate effect and full title, and was laid over under the rules. See Senate Journal No. 74, p. 2008.)

The question being on concurring in the substitute made to the bill by the House,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 357**

**Yeas—32**

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

**Nays—6**

Alexander	Chang	Irwin	Santana
Bullock	Hollier		

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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 Barrett as Chairperson.

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

**House Bill No. 5334, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2084) by adding section 16d.

**House Bill No. 5881, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d (MCL 777.11d), as amended by 2018 PA 661.

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

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

**House Bill No. 4476, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11c (MCL 247.661c), as amended by 2015 PA 182.

**Substitute (S-1)**

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 3, line 7, after "**signal**" by striking out "**utilities**" and inserting "**systems**".
2. Amend page 3, line 16, after "**signal**" by striking out "**utilities**" and inserting "**systems**".

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

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

**Senate Bill No. 82, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 533 (MCL 436.1533), as amended by 2018 PA 386.

**Substitute (S-1)**

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

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

**Senate Bill No. 991, entitled**

A bill to amend 2019 PA 152, entitled "Lawful internet gaming act," by amending sections 3, 5, 7, and 11 (MCL 432.303, 432.305, 432.307, and 432.311).

**Substitute (S-1)**

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



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

**House Bill No. 4460, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 24509 to article 18.

Substitute (S-6)

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

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

**House Bill No. 4990, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2018 PA 463.

Substitute (S-1)

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

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

**House Bill No. 4991, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2018 PA 463.

Substitute (S-1)

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

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

**Senate Bill No. 77, entitled**

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

Substitute (S-3)

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

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

**House Bill No. 4459, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding article 18.

Substitute (S-7)

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

The following communication was received:

Office of Senator Dayna Polehanki

September 22, 2020

Per Senate Rule (1.110(C)), I am requesting that my name be added as a co-sponsor to Senate Bill 1006. It was introduced on June 25, 2020 by Senator Jim Ananich and has been referred to the committee on Families, Seniors, and Veterans.

Sincerely,  
Dayna Polehanki  
State Senator  
Senate District 7

The communication was referred to the Secretary for record.

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

The motion prevailed.

Senator Shirkey's statement is as follows:

I would ask you to help me invite our colleagues and guests on the Senate floor to join me for a moment as we pay tribute to, and bid a heartfelt adieu to, a very special colleague that has served with and amongst us—most of us—for a long, long time, over 30 years.

I was told that this fella—maybe I shouldn't mention his name because he asked for no farewell address—but to heck with that, we're going to mention his name anyways. I was told that Terry Marquardt didn't want anyone to give a floor speech. What the heck are you going to do Terry, just quit? We're going to do something to acknowledge your leaving. Terry, we couldn't let this occasion go without recognizing you for the many, many decades of service that you've provided this legislative branch, the executive branch, and pretty much every branch in between those two, including the tree branches out in the front yard.

This tribute recognizes Terry's many roles in Lansing, including working in many Majority Leader offices, working for Governors, working for a Secretary of State, and who knows who else in this chamber and beyond. If you ask me, or Senator Johnson, or any of the others that were privileged enough to work closely with Terry and ask them for one word that might describe Terry, I think we could all agree to land on a word—confidant. Terry has the unique skillset to deliver good news and bad in a gentle way that causes people to pay attention, take action, and appreciate the advice—the thoughtful advice—that he always provides. And like all best advisors, that skillset of knowing how to deliver a message is a skillset that few own, Terry, and that you command, and is one of the things we've all come to appreciate about you the most.

Terry, your wise council and friendship to so many inside and outside this Capitol will be greatly, greatly missed. The hole that you're creating by exiting is not going to be easy to fill. But this retirement is well deserved, both for you and for Deb. And your priorities are absolutely properly aligned. Terry and Deb will be relocating to Arizona. I don't think so much for the weather, but maybe to be close to a couple of current grandkids and I'm hearing rumor, a couple more on the way. What a blessing.

So please join me in a very hearty sendoff recognition of somebody who is dear and special to this entire institution. And God bless you Terry and Deb.

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

**House Bill No. 4459**

**House Bill No. 4460**

**House Bill No. 4990**

**House Bill No. 4991**

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

By unanimous consent the Senate proceeded to the order of

### **Third Reading of Bills**

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

**Senate Bill No. 758**

**Senate Bill No. 983**

**House Bill No. 4332**

**House Bill No. 4459**

**House Bill No. 4460**

**House Bill No. 4990**

**House Bill No. 4991**

**Senate Bill No. 1054**

**Senate Bill No. 1097**

**Senate Bill No. 1006**

**Senate Bill No. 827**

**Senate Bill No. 1057**

**Senate Bill No. 1058**

**Senate Bill No. 1090**

**Senate Bill No. 1091**

**Senate Bill No. 293**

- Senate Bill No. 20**
- Senate Bill No. 21**
- Senate Bill No. 1021**
- Senate Bill No. 813**
- Senate Bill No. 1035**
- House Bill No. 4686**
- House Bill No. 5602**
- House Bill No. 5194**
- House Bill No. 5267**
- Senate Bill No. 986**
- Senate Bill No. 970**
- Senate Bill No. 761**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 758, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16101 and 18201 (MCL 333.16101 and 333.18201) and by adding sections 16190 and 18211a.

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. 358**

**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. 983, entitled**

A bill to amend 1994 PA 204, entitled “The children’s ombudsman act,” by amending section 3 (MCL 722.923), as amended by 2004 PA 560.

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. 359**

**Yeas—22**

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

**Nays—16**

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

**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:

**House Bill No. 4332, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 40102, 40103, and 40114 (MCL 324.40102, 324.40103, and 324.40114), section 40102 as amended by 2015 PA 24, section 40103 as amended by 2016 PA 382, and section 40114 as amended by 2018 PA 390, and by adding section 40111d.

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. 360**

**Yeas—23**

Barrett	Johnson	McBroom	Stamas
Bizon	LaSata	Nesbitt	Theis
Bumstead	Lauwers	Outman	VanderWall
Daley	Lucido	Runestad	Victory
Horn	MacDonald	Schmidt	Zorn
Irwin	MacGregor	Shirkey	

**Nays—15**

Alexander	Bullock	Hollier	Polehanki
Ananich	Chang	McCann	Santana
Bayer	Geiss	McMorrow	Wojno
Brinks	Hertel	Moss	

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4459, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding article 18.

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. 361**

**Yeas—32**

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

**Nays—6**

Bizon	Johnson	Nesbitt	Runestad
Bumstead	McBroom		

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide

for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4460, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 24509 to article 18.

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. 362**

**Yeas—37**

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

**Nays—1**

Bizon

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments,

boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4990, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16221 (MCL 333.16221), as amended by 2020 PA 135.

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. 363**

**Yeas—37**

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

**Nays—1**

Bizon

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and

duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4991, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16226 (MCL 333.16226), as amended by 2020 PA 136.

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. 364**

**Yeas—37**

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

**Nays—1**

Bizon

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and



duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1054, entitled**

A bill to amend 1897 PA 230, entitled “An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce,” by amending the title and sections 3, 9, 10, and 23 (MCL 455.3, 455.9, 455.10, and 455.23), the title and section 3 as amended by 1982 PA 117.

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. 365**

**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. 1097, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 437 (MCL 208.1437), as amended by 2017 PA 217.

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. 366**

**Yeas—36**

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

**Nays—2**

Barrett	Bumstead
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**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. 1006, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 10b (MCL 400.10b), as amended by 2017 PA 13, and by adding section 14m.

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. 367**

**Yeas—32**

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

**Nays—6**

Barrett	Johnson	Nesbitt	Runestad
Bumstead	McBroom		

**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. 827, entitled**

A bill to amend 2016 PA 407, entitled “Skilled trades regulation act,” by amending section 807 (MCL 339.5807).

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. 368**

**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. 1057, entitled**

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 408 (MCL 333.27408).

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. 369**

**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. 1058, entitled**

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 102 (MCL 333.27102), as amended by 2019 PA 3.

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. 370**

**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. 1090, entitled**

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 5d (MCL 552.605d), as amended by 2014 PA 380.

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. 371**

**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. 1091, entitled**

A bill to amend 1982 PA 294, entitled “Friend of the court act,” by amending section 17 (MCL 552.517), as amended by 2019 PA 27, and by adding section 17f.

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. 372**

**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. 293, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 411 (MCL 339.411), as amended by 2014 PA 265.

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. 373**

**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.

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

The motion prevailed.

Senator Moss’ statement is as follows:

This is a part of our ongoing efforts to reform our criminal justice system and think about who this system is serving. When someone commits a crime, they should face the appropriate consequences. It may be

incarceration, probation, and fines, but there are defined consequences. And when someone faces that punishment and then fully repays their debt to society, what do we want to happen to them next?

Right now, regardless of the severity of the crime, the length of the punishment, and the work toward reformed behavior, people with a criminal conviction face a life sentence of unemployability. Because, as they work to put their life in order—as we want them to—should they apply for an occupation license from the state to hold a job in Michigan, they must first pass a “good moral character” test. And that criminal conviction, in and of itself, can be used to deny someone an occupation license.

Let’s unpack that paradox here. We have a new Vocational Village in the Department of Corrections—a “first-of-its-kind skilled trades training program that aims to provide a positive learning community for prisoners who are serious about completing career and technical education”—that’s right from the Department of Corrections’ website. The state is actually training prisoners who seek rehabilitation for jobs that the state knows they won’t be able to hold.

Last session, we heard testimony in the House of Representatives from Gary Wozniak who founded Recovery Park in Detroit, an urban non-profit farm that employs people who have difficulty finding work, including those with criminal records or recovering from drug addictions. The same difficulties Gary encountered after he completed a sentence for financial crimes 30 years ago but wouldn’t even be able to get a license from the state to mop the floor in a nursing home.

I have been working for years with bipartisan partners—first in the House last session and now in the Senate this session—to reform that definition of “good moral character.” Under my bill here and several House bills that will be coming before us in the next few weeks, state licensing boards and agencies would have to consider an applicant’s overall employability, such as how long ago the offense occurred, other evidence of rehabilitation, testimonials, employment history, and employment aspirations.

The current system fails when the state encourages returning citizens to continue on their path toward reform, yet gives them few opportunities to fairly compete in our economy. A lot of these employment hurdles disproportionately impact people of color because the criminal justice system disproportionately adjudicates against people of color. These bills also represent a part of the solution needed to address racial disparities while giving everyone a chance to overcome their past mistakes.

We formed an impressive coalition to get this done of Democratic and Republican House members joining me on this package, the American Civil Liberties Union, the Mackinac Center, and Americans for Prosperity. Yes, this is the Moss bill backed by Americans for Prosperity—and truly demonstrates the bipartisan need to give people a second chance to become productive, tax-paying citizens of our state, and keep them out of the criminal justice system.

The following bill was read a third time:

**Senate Bill No. 20, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 317a (MCL 750.317a), as added by 2005 PA 167.

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. 374**

**Yeas—22**

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

**Nays—16**

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

**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. 21, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 5a to chapter II.

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. 375**

**Yeas—22**

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

**Nays—16**

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

**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. 1021, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16186 (MCL 333.16186), as amended by 2006 PA 398.

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. 376**

**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. 813, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 720 (MCL 330.1720), as added by 1995 PA 290, and by adding section 721.

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. 377**

**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. 1035, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 325, 687, and 701 (MCL 206.325, 206.687, and 206.701), section 325 as amended by 2011 PA 38, section 687 as added by 2011 PA 38, and section 701 as amended by 2011 PA 311, and by adding chapter 18.

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. 378**

**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:

**House Bill No. 4686, entitled**

A bill to amend 1996 IL 1, entitled “Michigan Gaming Control and Revenue Act,” by amending section 25 (MCL 432.225), as amended by 2019 PA 158.

The question being on the passage of the bill,

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

**Roll Call No. 379**

**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 question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the licensing, regulation, and control of casino gaming operations, manufacturers and distributors of gaming devices and gaming related equipment and supplies, and persons who participate in gaming; to provide the distribution of revenue for public education, public safety and economic development; authorizing limited casino operations within the state of Michigan; to vest authority for the licensing, regulation, and control of casino gaming in the Michigan gaming control board; to restrict certain political contributions; to establish a code of ethics for certain persons involved in gaming; to create certain funds; to impose and authorize certain taxes and fees; to impose penalties; to authorize conservators under certain circumstances; and to make an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5602, entitled**

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 28a (MCL 125.1528a), as amended by 2018 PA 332.

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. 380**

**Yeas—27**

Ananich	Horn	McBroom	Shirkey
Barrett	Johnson	McMorrow	Stamas
Bizon	LaSata	Moss	Theis
Brinks	Lauwers	Nesbitt	VanderWall
Bumstead	Lucido	Outman	Victory
Daley	MacDonald	Runestad	Zorn
Hertel	MacGregor	Schmidt	

**Nays—11**

Alexander	Chang	Irwin	Santana
Bayer	Geiss	McCann	Wojno
Bullock	Hollier	Polehanki	

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5194, entitled**

A bill to amend 1974 PA 300, entitled “Motor vehicle service and repair act,” by amending section 2 (MCL 257.1302), as amended by 2016 PA 430.

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. 381**

**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 question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate the practice of servicing and repairing motor vehicles; to proscribe unfair and deceptive practices; to provide for training and certification of mechanics; to provide for the registration of motor vehicle repair facilities; to provide for enforcement; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5267, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2084) by adding section 1050.

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. 382**

**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 question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 986, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2401 and 2411 (MCL 339.2401 and 339.2411), section 2401 as amended by 1991 PA 166 and section 2411 as amended by 2010 PA 151.

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. 383**

**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. 970, entitled**

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 2 and 11 (MCL 205.422 and 205.431), section 2 as amended by 2012 PA 188 and section 11 as amended by 2016 PA 86.

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. 384**

**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. 761, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7521a and 7523a (MCL 333.7521a and 333.7523a), section 7521a as added by 2019 PA 7 and section 7523a as added by 2019 PA 8.

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. 385**

**Yeas—30**

Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	Moss	Stamas
Bizon	Horn	Nesbitt	Theis
Brinks	Johnson	Outman	VanderWall
Bullock	LaSata	Polehanki	Victory
Chang	Lauwers	Runestad	Wojno
Daley	MacDonald	Schmidt	Zorn
Geiss	MacGregor		

**Nays—8**

Alexander	Bumstead	Lucido	McMorrow
Bayer	Irwin	McBroom	Santana

**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  
**Introduction and Referral of Bills**

Senator Chang introduced  
**Senate Bill No. 1151, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17703, 17708, 17751, and 17757 (MCL 333.17703, 333.17708, 333.17751, and 333.17757), section 17703 as amended by 2016 PA 528, section 17708 as amended by 2020 PA 4, section 17751 as amended by 2020 PA 136, and section 17757 as amended by 2016 PA 383, and by adding section 17751a.

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

Senators Geiss and Chang introduced

**Senate Bill No. 1152, entitled**

A bill to regulate the treatment of incarcerated individuals in a jail or lockup who are pregnant or are in a postpartum period; and to provide for the powers and duties of certain local governmental officers and entities.

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

Senator MacGregor introduced

**Senate Bill No. 1153, entitled**

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

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

Senators Irwin, Moss, Santana, Chang and Hollier introduced

**Senate Bill No. 1154, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20101, 20114d, 20114e, 20120a, and 20120b (MCL 324.20101, 324.20114d, 324.20114e, 324.20120a, and 324.20120b), as amended by 2018 PA 581; and to repeal acts and parts of acts.

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

Senators Irwin, Moss, Chang, Santana and Hollier introduced

**Senate Bill No. 1155, entitled**

A bill to create a marijuana business grant program; to provide for the powers and duties of certain state governmental officers and entities; and to provide for the promulgation of rules.

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

Senators Irwin, Chang and McMorro introduced

**Senate Bill No. 1156, entitled**

A bill to amend 2016 PA 436, entitled "Unmanned aircraft systems act," by amending section 21 (MCL 259.321), as amended by 2018 PA 468.

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

Senators Irwin, Chang, Moss and Hollier introduced

**Senate Bill No. 1157, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406v.

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

Senators Bayer, Polehanki, Wojno, Geiss, McCann, Moss, McMorro, Bullock, Santana, Hertel, Brinks, Chang and Hollier introduced

**Senate Bill No. 1158, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity



from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5o (MCL 28.425o), as amended by 2017 PA 95.

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

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

**Senate Bill No. 1159, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 234d (MCL 750.234d), as amended by 1994 PA 158.

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

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

Senator Stamas offered the following resolution:

**Senate Resolution No. 144.**

A resolution to designate October 2020 as Michigan Library Appreciation Month.

Whereas, The Michigan Library Association (MLA) annually designates the month of October as a statewide observance to celebrate the contributions of Michigan’s libraries, librarians, and library staff; and

Whereas, Michigan’s libraries, including school, public, academic, tribal, and special libraries, are vital institutions and dynamic centers of discovery, lifelong learning, and serve as cornerstones in healthy communities; and

Whereas, Librarians and library workers play key roles in helping people explore, imagine, and discover new horizons in the vast world of information, knowledge, and entertainment; and

Whereas, Today’s libraries are less about what they have on the shelves and more about what they can do with and for their communities, whether it’s through virtual services or in-person visits; and

Whereas, Libraries and librarians work to create an equitable society by providing free access to accurate information to all people; and

Whereas, In times of crisis, libraries and library staff play a critical role in continuing to support their communities when they need it the most; and

Whereas, Libraries bring together diverse populations and are a resource for all members within their communities regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

Whereas, The development and maintenance of programs and collections in libraries are as diverse as the populations they serve; and

Whereas, Libraries serve as a vital connection to the people, places, and ideas of the world through books, magazines, videos, and the Internet and are the primary point of online access for people without computers at home, school, or work; and

Whereas, Indispensable educational resources for children and teenagers are provided by libraries, which are on the front lines in the battle against illiteracy, offer plenty of free activities, as well as safe, enriching entertainment for the whole family; and

Whereas, Half of all Michiganders hold library cards and visit their local libraries in-person more than 43 million times annually, online nearly 50 million times annually, and borrow nearly 40 million items each year; and

Whereas, Hundreds of libraries and millions of library supporters across Michigan are celebrating Michigan Library Appreciation Month this October; now, therefore, be it

Resolved by the Senate, That members of this legislative body designate October 2020 as Michigan Library Appreciation Month. During this time, we encourage all residents to visit their library’s website to explore and discover its wide variety of services, resources, and collections.

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

Senator MacGregor moved that the rule be suspended.

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

The resolution was adopted.

Senators Chang, Brinks, Wojno, Santana, Geiss, Bullock, McMorrow, Alexander, Bayer, Irwin, Hertel and Hollier offered the following resolution:

**Senate Resolution No. 145.**

A resolution to urge the Department of Homeland Security to conduct a swift investigation into allegations of invasive medical procedures or hysterectomies performed on immigrant detainees without informed consent, ensure impacted individuals may freely participate in the investigation, and provide immediate medical treatment to any affected individuals, and to memorialize the Congress of the United States to pass measures requiring greater oversight of immigration detention centers and increased protections for detainees.

Whereas, The number of individuals detained by Immigration and Customs Enforcement (ICE) has increased significantly in recent years. In fiscal year 2015, the average daily population of immigrant detention centers was approximately 28,000. As of fiscal year 2019, the daily population grew to more than 50,000 in detention centers across the United States; and

Whereas, On March 7, 2017, the Office of Detention Oversight, a division within the Department of Homeland Security (DHS), and ICE conducted a compliance inspection of the Irwin County Detention Center (ICDC) in Ocilla, Georgia and reported 26 deficiencies at the facility, including severe deficiencies in medical care. Inspectors noted missing informed consent documentation for any treatments outside of general medical treatment. Informed consent documentation is required by ICE's Performance-Based National Detention Standards (PBNDS). According to the report, the facility has demonstrated a pattern of inadequate medical care, mistreatment of detainees, and an inability to produce supporting documentation of informed consent for medical procedures; and

Whereas, On September 14, 2020, a whistleblower complaint was filed by a nurse, Dawn Wooten, alleging that detainees at ICDC have been subjected to unwanted medical procedures and poor medical care at the privately-owned facility. According to the complaint, Ms. Wooten spoke with multiple women detained at ICDC that have undergone hysterectomies that stated they were confused afterwards about why they had undergone the procedure. Other detained women reported that they felt misled about the nature of the medical procedures or did not fully understand what was being done to them. Ms. Wooten also stated that one surgeon was referred to as "the uterus collector" because of the high number of hysterectomies he performed. The details of the complaint suggest that many of these procedures occurred without informed consent; and

Whereas, In September 2020, Mexican authorities reported that at least six women have potentially been subjected to the procedure, and they have opened their own investigation as a result. The Mexican government has threatened to impose sanctions against the United States if the claims are confirmed. The exact number of forced sterilizations performed without informed consent at ICDC or other ICE facilities is unknown. Such a determination requires an extensive investigation into the claims reported by multiple parties; and

Whereas, Sterilization without informed consent or medical necessity is unacceptable by medical standards, American legal standards, international law, and is a gross violation of basic human rights that women in the United States should be guaranteed. The American College of Obstetricians and Gynecologists (ACOG) has provided guidance stating that, "only rarely should incarcerated women undergo sterilization," and the procedure should only occur when "excellent documentation of prior (pre-incarceration) request for sterilization is available." The ACOG prescribes procedural safeguards and oversight of the procedure due to "the likelihood that the coercive environment impedes true informed consent"; and

Whereas, A thorough and immediate investigation by the Office of Inspector General at DHS, as well as stronger congressional oversight, is critical to address the serious whistleblower complaints regarding forced hysterectomies performed on women at the ICDC. If federal action is not taken, the health and lives of women detained at ICE facilities across the United States will be at risk of irreparable harm; now, therefore, be it

Resolved by the Senate, That we urge the Department of Homeland Security to conduct a swift investigation into allegations of forced hysterectomies performed on immigrant detainees without informed consent; ensure impacted individuals are able to freely participate in any investigation and share their stories without fear or reprisal; and immediately allow individuals who may have experienced an unnecessary or nonconsensual procedure to have access to adequate, safe, and consensual medical treatment or to seek a second opinion from an independent medical professional; and be it further

Resolved, That we memorialize the Congress of the United States to pass measures requiring greater oversight of immigration detention centers and increased protections for detainees; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Homeland Security, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Lucido offered the following concurrent resolution:

**Senate Concurrent Resolution No. 32.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to allow employees to disenroll from dependent care flexible spending accounts and withdraw unused funds.

Whereas, Dependent care flexible spending accounts (FSAs) allow employees to set aside a portion of their income to be used pre-tax for certain expenses. Contributions to these plans can be used for various dependent care expenses, including, but not limited to, preschool, summer day camp, and before and after school programs; and

Whereas, Dependent care FSAs are subject to strict federal regulation. Participants must estimate future expenses at the beginning of each plan year and cannot change their monthly contribution, except in limited circumstances. Plans are also subject to a “use-or-lose” rule, meaning that unused funds are forfeited by the employee at the end of each plan year; and

Whereas, The COVID-19 Pandemic has significantly altered the dependent care landscape and has put millions of Americans at risk of forfeiting unused balances. In order to mitigate the virus’s spread, many childcare facilities in Michigan and around the country have temporarily closed or reduced operations. In addition, many employees are working fewer hours or working from home, reducing dependent care needs. These families are at risk of losing thousands of dollars due to circumstances completely beyond their control; and

Whereas, Congress should enact legislation to temporarily allow dependent care FSA participants to disenroll from these plans and withdraw funds from these accounts. While the Internal Revenue Service (IRS) has already taken steps to allow mid-year amendments to reduce or end monthly contributions, funds that had already been deposited are still subject to the “use-or-lose” rule; and

Whereas, During the deepest economic recession in nearly a century, allowing American families to needlessly forfeit income would be counterproductive to the nation’s recovery. In contrast, allowing families to withdraw these funds would help them to meet necessary expenses and increase their spending power to support businesses during this crisis; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to allow employees to disenroll from dependent care flexible spending accounts and withdraw unused funds; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

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

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator MacGregor moved that the concurrent resolution be referred to the Committee on Health Policy and Human Services.

The motion prevailed

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

**Protest**

Senator McBroom, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 761.

Senator McBroom’s statement is as follows:

I was really pleased to be part of a package of bills during my time in the House of Representatives and then here in the Senate that dealt with asset forfeiture, and I’m really grateful to see how hard this body and others have worked to end what is clearly very unjust and, in my opinion, blatantly unconstitutional.

Our Constitution specifically says, in article VIII, that monies forfeited because of a crime—penalties—are to go to the library fund, and the reason we do that is so that the part of the government that has enforcement powers does not suffer with the perverse incentive to profit from its work. In other words, we don’t give the body that has the power of the sword the ability to make money by using that sword.

It's really with a great deal of frustration that I had to deal with this particular bill which comes after the asset forfeiture issue. It shows a circumstance in airports that's certainly notable and worthy of consideration, but due to the way the monies are collected and handled and who gets them, I was not able to support this and I think we could have done a lot better to make sure that that money was not going to those who collected it. It should go to the library fund as the Constitution says in article VIII.

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

The Secretary announced that the following bills were printed and filed on Tuesday, September 29, and are available on the Michigan Legislature website:

<b>Senate Bill Nos.</b>	<b>1149</b>	<b>1150</b>												
<b>House Bill Nos.</b>	<b>6264</b>	<b>6265</b>	<b>6266</b>	<b>6267</b>	<b>6268</b>	<b>6269</b>	<b>6270</b>	<b>6271</b>	<b>6272</b>	<b>6273</b>	<b>6274</b>	<b>6275</b>	<b>6276</b>	
	<b>6277</b>	<b>6278</b>	<b>6279</b>	<b>6280</b>	<b>6281</b>	<b>6282</b>	<b>6283</b>	<b>6284</b>	<b>6285</b>	<b>6286</b>	<b>6287</b>	<b>6288</b>	<b>6289</b>	

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Tuesday, September 29, 2020, at 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

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

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Oversight submitted the following:

Meeting held on Tuesday, September 29, 2020, at 2:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

### **Scheduled Meetings**

**Advice and Consent** – Thursday, October 1, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

**Economic and Small Business Development** – Thursday, October 1, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721

**Education and Career Readiness** – Tuesday, October 6, 12:00 noon, Room 403, 4th Floor, Capitol Building (517) 373-5314

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

**Judiciary and Public Safety** – Thursday, October 1, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

**Local Government** – Thursday, October 1, 1:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 11:35 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, October 1, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

