

No. 55  
STATE OF MICHIGAN  
**Journal of the Senate**  
100th Legislature  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Thursday, June 18, 2020.

10:00 a.m.

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

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

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

Horn—present  
Irwin—present  
Johnson—present  
LaSata—present  
Lauwers—present  
Lucido—present  
MacDonald—present  
MacGregor—present  
McBroom—excused  
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 Eric Nesbitt of the 26th District offered the following invocation:

Lord, thank You for granting us the safety to be here today and please be with our fellow citizens and people throughout our country. As we move through this coronavirus and the recovery, I pray that we will be extra caring and helpful for our vulnerable neighbors, ensuring everyone is safe and taken care of during these unique and difficult times.

May the work we do be pleasing to You and benefit the people of Michigan whom we have the privilege and responsibility to serve. May a spirit of thoughtfulness and understanding be in our hearts and actions as we stand up for the principles we believe in and work together to solve the many challenges facing our great state.

Thank You for Your grace, Your care, and the opportunity for each of us to be a blessing. In His name, I pray. Amen.

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

### Motions and Communications

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

The motion prevailed.

Senator MacGregor moved that Senator Shirkey be temporarily excused from today's session.

The motion prevailed.

Senator MacGregor moved that Senator McBroom be excused from today's session.

The motion prevailed.

The following communication was received:

Joint Committee on Administrative Rules

June 10, 2020

As Chair and Alternate Chair of the Joint Committee on Administrative Rules, it has come to our attention that the Michigan Department of Licensing and Regulatory Affairs is asking for permission to withdraw the proposed rules identified as "Professional Engineers – General Rules (MOAHR #2019-031 LR)". MCL 24.245a(10) provides that a rule is withdrawn with permission if the withdrawal is approved by the Chair and Alternate Chair. This section further provides that if permission to withdraw is granted, the 15-session-day period for committee review is tolled until the rule is resubmitted, subject to the requirement that the committee must have at least 6 session days after resubmission to consider the resubmitted rule.

On behalf of the Joint Committee on Administrative Rules and pursuant to the authority of the Chair and Alternate Chair under MCL 24.245a(10), we grant permission to the Michigan Department of Licensing and Regulatory Affairs to withdraw the proposed rules.

Sincerely,

Senator Peter Lucido

Chairperson

Representative Matt Maddock

Alternate Chairperson

The communication was referred to the Secretary for record.

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

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

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

**Senate Bill No. 850**

**Senate Bill No. 852**

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

### Messages from the Governor

The following message from the Governor was received on June 17, 2020, and read:

EXECUTIVE ORDER  
No. 2020-125

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) In addition to those persons identified in section 3(a) and (b) of this order, any person working as a physician, physician assistant, licensed practical nurse, registered professional nurse, medical first responder, nurse, emergency medical technician, emergency medical technician specialist, paramedic, or respiratory therapist who is required to provide in-person medical care to patients.

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

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

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

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

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

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

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

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

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

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

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

6. This order is effective immediately and does not terminate until the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later.

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

Date: June 17, 2020  
Time: 7:44 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

The following message from the Governor was received on June 17, 2020, and read:

EXECUTIVE ORDER  
No. 2020-126

**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 2020-109**

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

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

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

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

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

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

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

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

Executive Order 2020-109 provided the protections and relief described above. Because it remains necessary and reasonable to limit exposure to COVID-19 in food-selling establishments and pharmacies, this order extends those protections and that relief with narrow modifications.

With this order, Executive Order 2020-109 is rescinded.

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

1. Any individual who enters a food-selling establishment or pharmacy who is able to medically tolerate a face covering must wear a covering over his or her nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief.

2. Grocery stores and pharmacies must create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant people, and those with chronic conditions, including heart disease, diabetes, and lung disease.

3. Food-selling establishments and pharmacies must deploy strategies to reduce COVID-19 exposure for their customers and employees consistent with the strategies described in Executive Order 2020-114 or any order that follows from it, as well as the following:

- (a) Provide access to handwashing facilities, including those available in public restrooms;
- (b) Require checkout employees to wear coverings over their noses and mouths, such as homemade masks, scarves, bandanas, or handkerchiefs;
- (c) Allow employees sufficient break time to wash hands as needed;
- (d) Use best efforts to ensure checkout employees to disinfect their hands between orders to prevent cross-contamination;
- (e) Use best efforts to provide employees and customers access to an alcohol-based hand sanitizer that contains at least 60% alcohol, as recommended by the Centers for Disease Control and Prevention (CDC);
- (f) Use best efforts to provide disinfecting wipes at cash registers and entrance points for customers to disinfect carts and baskets, as well as at other appropriate locations;
- (g) Ensure that both employees and customers remain at least six feet apart to the maximum extent possible, including during employee breaks, for example by reviewing floor plans, creating temporary barriers, designating aisles as one-way only, and demarcating queueing distances;
- (h) Close self-serve prepared food stations such as salad bars;
- (i) Eliminate free samples and tasting stations;
- (j) Adopt procedures to meet the environmental cleaning guidelines set by the CDC, including by cleaning and disinfecting frequent touchpoints throughout the day such as point of sale terminals at registers, shopping carts, and shopping baskets;
- (k) Prohibit employees who are sick from reporting to work and send employees home if they display symptoms of COVID-19. Employees who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should follow the procedures of Executive Order 2020-36 or any order that follows from it;
- (l) Accommodate employees who fall within a vulnerable population by providing lower-exposure work assignments or giving them the option to take an unpaid leave of absence with a return date coinciding with the end of the declared states of emergency and disaster, or July 15, 2020, whichever is later. Nothing in this executive order abrogates any right to disability benefits. Employees who take an unpaid leave of absence as described in this subsection are encouraged to apply for unemployment benefits;

- (m) Close to the public for sufficient time each night to allow stores to be properly sanitized;
- (n) Encourage cash transactions to be processed at self-checkout kiosks when possible; and
- (o) Adhere to all applicable safeguards, including but not limited to conducting a daily self-screening protocol for all employees and contractors, that are required under Executive Order 2020-114 or any order that may follow from it.

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

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

5. Strict compliance with sections 3119, 4109, 4113, and 4115 of the Food Law, 92 PA 2000, as amended, MCL 289.3119, MCL 289.4109, MCL 289.4113, and MCL 289.4115, is temporarily suspended to the extent necessary to extend the deadline for local health departments to submit fees under section 3119, and to extend the license and registration expiration dates under sections 4109 and 4115, until 60 days after the end of the states of emergency and disaster declared in Executive Order 2020-99 or the end of any subsequently declared states of disaster or emergency arising out of the COVID-19 pandemic, whichever comes later. Furthermore, late fees shall not be assessed under sections 4113 or 4115 during the 2020–2021 license year.

6. 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.

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

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

9. This order is effective immediately and continues through July 15, 2020.

10. Executive Order 2020-109 is rescinded.

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

Date: June 17, 2020

Time: 7:47 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

Senators Ananich and Hertel entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 114, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 25c to chapter IV.

Substitute (S-2)

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. 779, entitled**

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending sections 3a, 3b, and 3c (MCL 445.573a, 445.573b, and 445.573c), section 3a as added by 1989 PA 148, section 3b as amended by 1998 PA 473, and section 3c as amended by 1996 PA 384.

Substitute (S-2)

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. 850, entitled**

A bill to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; and to prescribe penalties and civil sanctions.

Substitute (S-5)

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. 852, entitled**

A bill to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; and to prescribe penalties and civil sanctions.

Substitute (S-5)

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.

During the Committee of the Whole, Senators Shirkey, Santana and Geiss entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**Senate Bill No. 850**

**Senate Bill No. 852**

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. 935**

**Senate Bill No. 936**

**Senate Bill No. 937**



**Senate Bill No. 850**  
**Senate Bill No. 852**  
**Senate Bill No. 659**  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 935, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6 (MCL 205.96), as amended by 2014 PA 426, and by adding section 6d.

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. 216**

**Yeas—33**

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

**Nays—3**

Alexander	Ananich	Chang
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**Excused—1**

McBroom

**Not Voting—1**

Hertel

In The Chair: President

Senator MacGregor moved to reconsider the vote by which the bill was passed.

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

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. 217**

**Yeas—33**

Barrett	Horn	McCann	Schmidt
Bayer	Irwin	McMorrow	Shirkey
Bizon	Johnson	Moss	Stamas

Brinks	LaSata	Nesbitt	Theis
Bullock	Lauwers	Outman	VanderWall
Bumstead	Lucido	Polehanki	Victory
Daley	MacDonald	Runestad	Wojno
Geiss	MacGregor	Santana	Zorn
Hollier			

**Nays—4**

Alexander	Ananich	Chang	Hertel
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**Excused—1**

McBroom

**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. 936, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 6 (MCL 205.56), as amended by 2014 PA 425, and by adding section 6d.

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. 218****Yeas—32**

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

**Nays—5**

Alexander	Chang	Hertel	Hollier
Ananich			

**Excused—1**

McBroom

**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. 937, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 703 and 705 (MCL 206.703 and 206.705), section 703 as amended by 2016 PA 158 and section 705 as amended by 2011 PA 192.

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. 219**

**Yeas—32**

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

**Nays—5**

Alexander	Chang	Hertel	Hollier
Ananich			

**Excused—1**

McBroom

**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. 850, entitled**

A bill to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; and to prescribe civil sanctions.

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. 220****Yeas—37**

Alexander	Geiss	MacDonald	Santana
Ananich	Hertel	MacGregor	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			

**Nays—0****Excused—1**

McBroom

**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. 852, entitled**

A bill to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; and to prescribe civil sanctions.

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. 221****Yeas—37**

Alexander	Geiss	MacDonald	Santana
Ananich	Hertel	MacGregor	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			

**Nays—0**

**Excused—1**

McBroom

**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. 659, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 248I (MCL 257.248I), as added by 2018 PA 420.

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. 222**

**Yeas—37**

Alexander	Geiss	MacDonald	Santana
Ananich	Hertel	MacGregor	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			

**Nays—0**

**Excused—1**

McBroom

**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  
**Resolutions**

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

**Senate Resolution No. 127**

The motion prevailed.

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

**Senate Resolution No. 127.**

A resolution to commemorate June 19, 2020, as Juneteenth.

Whereas, The transatlantic slave trade system established both Europe and North America as world powers by and through the commoditization of Africans. Millions of Africans suffered disease and death on the eight week voyages across the Middle Passage; and

Whereas, From 1619 through 1865, millions of Africans and their descendants were enslaved in the United States, the thirteen American colonies, and eventually the United States of America; and

Whereas, Maritime, agricultural, insurance, defense, tobacco, sugar, and cotton industries were established off profits from the atrocities of slavery; and

Whereas, Slavery highlights the fundamental hypocrisy and moral contradiction of European whites in America who declared independent rights from Great Britain, while holding in bondage more than 100,000 Africans; and

Whereas, Michigan served as the major hub of the Underground Railroad and home to several white abolitionists, including U.S. Representative and U.S. Senator Jacob Merritt Howard, Guy Beckley of Ann Arbor, Erastus Hussey of Battle Creek, and Seymour Finney of Detroit; and

Whereas, Through the work of these great men of all colors, the Second Baptist Church of Detroit, Friends of the Fugitives, Anti-Slavery Society, and other institutions, thousands of slaves were freed; and

Whereas, On this day in 1865, Texas was the last state to recognize that enslaved persons were free, two and a half years after the Emancipation Proclamation was signed by President Lincoln. For this reason, it is celebrated as Juneteenth; and

Whereas, Slavery was abolished through the passage of the 13th Amendment to the United States Constitution in 1865, after the end of the Civil War; and

Whereas, After the emancipation from 247 years of slavery, Africans in America continue to experience the vestiges of slavery from challenges with voting rights, inadequate public education systems, lack of access to capital lending institutions, police brutality, and other social and economic injustices; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate June 19, 2020, as Juneteenth; and be it further

Resolved, That we recognize the devastating legacy of American slavery, and encourage all citizens of Michigan to educate each other and future generations on the history of slavery in order to ensure that this tragedy will never be forgotten or repeated.

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 Barrett and MacGregor and Lieutenant Governor Gilchrist were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Bullock's statement is as follows:

I just stand before you asking for the support of Senate Resolution No. 127. It is available online for your co-sponsorship. All week we've been celebrating, but tomorrow—Friday, June 19—is when black America and the country will celebrate Juneteenth.

The observance of Juneteenth is about the journey and achievement of black America, from a horrific period in U.S. history of sanctioned enslavement to the pinnacle of human endeavors. It is a story of pride, resilience, and determination that will always be of historical and spiritual significance, and it serves us well to understand that together we can overcome all obstacles in our path and that we are all responsible for tomorrow—directly and indirectly.

Juneteenth is the oldest nationally-celebrated commemoration of the ending of slavery in the United States. Dating back to 1865, it was on June 19 that the Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas with the news that the war had ended and the enslaved were now free. Now take note—this was two and a half years after President Lincoln's Emancipation Proclamation which officially freed all

slaves on January 1, 1863. Think about that. General Granger's first order of business was to read to the people General Order No. 3 which began most significantly with, "The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor."

With those words, our country changed and we're still changing. We will continue to change, striving always to make it right and to make this nation better for all. We have the opportunity to look back at 155 years, give homage to those who have gone before us, those who have paved the road to freedom, many with their lives. We stand on their shoulders. We as a collective, from all walks of life, are a part of this progress and we celebrate freedom.

Through our celebrations, we reflect on this independence. Through grassroots organizing and community celebration, we enjoy the creativity and dedication that produce celebrations from the dinner table to the backyard barbecue, from the neighborhood block party to the citywide parades, from the school cafeteria to the corporate conference room, and hopefully to this Capitol. We encourage everybody to participate in a local event or start their own tradition. It should strengthen the ties that bind us, which should always be the objective. Unity, peace, and, ultimately, equitable equality are our goals.

As we pay tribute to the journey, we acknowledge the many roles and contributions of the black American spirit to our society. So, as we embrace the past as well as the future that only unity, respect, and appreciation can bring, Juneteenth will be celebrated across this nation and beyond, because we are writing the history of our state and our nation. There can be no greater honor than that, so help write a better history here in Michigan.

Senator Barrett's statement is as follows:

It's no secret that in this chamber we often have adversarial positions on important issues that we're facing as a society and as a state. As a country today we're still grappling right now with what our history means and how we acknowledge it, both the good parts and the ugly parts. I appreciate my colleagues bringing this resolution forward to celebrate one of the good parts of our national history.

Landmark and seminal moments like Juneteenth in our history should be recognized and celebrated by all of us. Unlike today where news moves instantaneously—maybe even a little bit too fast across the globe and around the world—it wasn't always that way. As my colleague from the 4th District already stated, although the Emancipation Proclamation was signed over two years before June of 1865 and the Civil War was largely over in April of 1865, it wasn't until Union troops moved into Texas in June of 1865 that many slaves had their freedoms finally recognized. This resolution today provides us an opportunity to celebrate this historic moment and I appreciate the chamber approving this resolution today.

Senator Hollier's statement is as follows:

I just want to talk a little bit about Juneteenth and what it means to me. Last year we celebrated Juneteenth in this chamber and it meant something. And this year I think people now recognize across the country that Juneteenth is something that we should remember and recognize. And I'd like to put that in the context of Michigan.

So General Granger, who you just heard a little bit about, started his career as a military officer in Detroit. He commanded Union volunteers from Michigan. In the Second Cavalry he made his chops leading Michigan soldiers—leading people who came from this state who we represent. When we come into the Capitol in the rotunda you see American flags. Often we say Union flags, but those are American flags that you see downstairs. Until 1908 the flag of the Second Cavalry—the one that General Granger led into combat—stood there, but it came up missing after a reunion in 1908.

As we talk about history and times and how all of these things have changed, it's important to put into context the sacrifices and the lessons that we've learned. And through this discussion so many people say we can't erase history. And I never want to see history erased because there are so many lessons that people learn. And the biggest is that though something may be on the books, until it's enforced—until good people stand up and say it is a reality—it doesn't matter because there were black people enslaved all across this country that were not set free when a Republican president said they were free. Until people who otherwise were not involved stepped up to be involved. And those were Michiganders. And Michigan has an opportunity again to lead as we move forward in how we respond. The reason that we honor history and that we remember is so we don't make the same mistakes; so we don't forget the lessons that we've learned. And the lessons we learned were so expensive. The lives lost were so many. And Juneteenth says that it took two and a half years for people to be told they were free. But as a black man—as someone who has lived in America my entire life and whose family came here not willingly—it's amazing that I survived; that we stand here and are able to talk about these issues that we cannot do alone. And right after Reconstruction you saw black folks take great strides. And then you saw them—you pushed back because of Jim Crow laws and a host of other issues.

Today it's easy to feel and say that things are ready for change because people are saying that black lives matter—that people recognize that systemic racism is a problem. And I just need your help. And I appreciate my colleague who I share military service with speaking up and talking about this because this is not a Democratic issue. This is not a Republican issue. This is not a white or a black issue. This is an issue that needs to be addressed as people. Because we are the ones that need to solve this. This is something that has to absolutely get done and I'm looking forward to getting it done. When you think about Juneteenth, think about the Fourth of July. Think about independence. Think about that idea of freedom because black people weren't free on July Fourth. Black people weren't free on Juneteenth. And in many ways there are still so many people in this country that are looking for that freedom; that ability to be included in government; to be protected by government, and for the institutions that we create not to kill us; not to oppress us; not to enslave us. And the reason I say enslave is because the only place that you can still be enslaved is in prison. And as we talk about the criminal justice reforms that are moving through this chamber—as we talk about all of those things—it's important to remember that there are still a host of people who did not know they are free because the reality on the ground is that the don't have the opportunity to be free. And I know that each and every member of this chamber wants to change that. And I'm grateful. I'm grateful and I appreciate the opportunity to work with you to make sure that every single person in this state and this nation are truly free.

Senator LaSata's statement is as follows:

As one of two fifth-grade teachers in my school, I was the one who taught social studies to both classes. When planning lessons every year—and as we get older we know that there's more history to be taught—as a teacher I had to focus on what I would teach. I was tasked with teaching American history. There is so much American history that we can talk about.

Because of a limited amount of time, we had to look at what I was going to teach, decide, and decide how much depth to go into. Always in the spring, Juneteenth was always in my lesson plan because, honestly, I knew of Juneteenth but I didn't know a lot of history behind it. I didn't know about the celebrations that go on throughout the country. That was something that was always something to look forward to in the springtime.

We know that this is a great day in history, the Emancipation Proclamation. We know that we have come a long way. We also know that we have more work to do and it can start with us. There are 38 Senate members. We all have different backgrounds and different ideas. Colleagues, please, the next time you're bothered or offended by something you heard from one of your 38 colleagues, please, I ask that you walk across the aisle—and maybe it's not even a matter of walking across the aisle, maybe it's walking forward or backward—and ask your colleague to explain what they meant because you want to understand where they're coming from. Maybe you took it a different way but you want to really understand because you care. When we're tempted to lash out or give that floor speech or go on social media, please talk to one another, as difficult as it may be, because it starts right here.

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

**Senate Resolution No. 126**

The motion prevailed.

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

**Senate Resolution No. 126.**

A resolution to memorialize the Congress and President of the United States to provide additional funding to help state and local governments with significant budget shortfalls due to the COVID-19 Pandemic and to make existing COVID-19 funding more flexible.

Whereas, The COVID-19 Pandemic has significantly impacted Michigan and the United States. Since the first reported cases in Michigan on March 10, 2020, more than 64,000 Michiganders have been infected and nearly 6,000 have lost their lives to the virus. Nationally, there have been more than 1.9 million infections and 110,000 confirmed deaths; and

Whereas, Unprecedented measures have been required to mitigate the virus' spread and protect public health. Governor Gretchen Whitmer, and other public officials across the country, have issued orders prohibiting large gatherings, closing schools, and requiring the temporary closure of nonessential businesses. The White House Coronavirus Task Force's guidelines also recommended the closure of places where people gather when there is evidence of community transmission; and



Whereas, The cost of preventing the spread of COVID-19 and protecting Michigan's citizens has been a dramatic decline in state tax revenue. As businesses are shut down and residents are out of work, the projected revenue from income, sales, and other taxes has dropped precipitously. In Michigan, projected General Fund revenue has been reduced by \$2 billion and projected School Aid Fund revenue has declined by \$1.2 billion for Fiscal Year 2020. Even as businesses re-open and restrictions on movement are lifted, the economic fallout from fighting COVID-19 will remain. Significant budget holes are projected in Fiscal Year 2021 as well; and

Whereas, Failing to mitigate budget shortfalls will result in unprecedented cuts to core government functions and may hamper states' ability to respond to and recover from the COVID-19 crisis. Michigan is required to have a balanced budget each year. In order to meet this requirement, cuts may be necessary to every facet of the state's budget, including health care and economic development programs. Cutting these programs during the public health emergency and economic devastation brought by COVID-19 will make it much more difficult for the state to recover from the crisis; and

Whereas, Unmitigated deficits will negatively impact the ability of schools to safely or adequately return to operation next school year. Projected shortfalls in Michigan's School Aid Fund could require state funds for schools to be cut roughly \$700 per student, or about 8.6 percent, for the current school year and further deficits are projected for the 2020-2021 school year. Allowing these reductions to occur may lead to layoffs and program cuts worse than those that occurred during the Great Recession. In addition, forcing schools to accept draconian cuts will affect their ability to adopt the precautions necessary to protect their students from COVID-19 when in-person education resumes; and

Whereas, Local governments are also facing significant budget holes and potential spending cuts. These governments are being affected by falling state and local revenue, as local tax revenue has dried up and state budget shortfalls could require significant reductions in state revenue sharing. Local units are expected to face millions of dollars in budget deficits in the coming year, and they face the possibility of cutting essential local services to make ends meet. Services that may face funding reductions include public safety funding, local infrastructure spending, and social programs for residents; and

Whereas, While Congress has already enacted some federal aid for states, its limited scope and restrictions will be insufficient to weather the effects of the Pandemic. Michigan is currently expected to receive about \$3.8 billion from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, but the funds may only be used for expenses associated with the Pandemic; and

Whereas, The majority of Michigan's local governments will not receive any direct aid from the CARES Act. The act only provides direct aid to local governments with a population of 500,000 or more. As a result only five of Michigan's local governments – the city of Detroit and Wayne, Oakland, Macomb, and Kent counties - will receive federal aid under the act. This means that more than 99 percent of Michigan's 1,856 local governments have been excluded from direct federal aid; and

Whereas, Increasing the flexibility states have when using CARES Act aid and providing additional federal funding will help allay the budgetary effects of the COVID-19 Pandemic. Allowing states to use CARES Act funding for costs that are not directly associated with the Pandemic will help to address their projected revenue shortfalls. Providing additional funding will guarantee relief is available to local governments that were excluded from the CARES Act aid. Together, these actions will ensure the response meets the scale of the crisis that states and local governments are facing; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress and President of the United States to provide funding to help state and local governments with significant budget shortfalls due to the COVID-19 Pandemic and to make existing COVID-19 funding more flexible; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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 resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

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

**Senate Resolution No. 125**

The motion prevailed.

Senators Runestad, Lucido, Theis, Nesbitt, Bizon and VanderWall offered the following resolution:  
**Senate Resolution No. 125.**

A resolution to denounce the Governor’s policy placing COVID-19 positive residents with uninfected residents in nursing homes.

Whereas, Older adults are particularly vulnerable to COVID-19 and its most serious complications, including death. More than 87 percent of Michigan deaths from the disease have occurred among Michiganders who were 60 years of age or older; and

Whereas, Nursing homes are high-risk environments for disease transmission because residents live in close proximity to one another, have underlying medical conditions, and are cared for by staff who care for many other residents; and

Whereas, On April 15, 2020, Governor Whitmer issued Executive Order 2020-50, requiring nursing homes with a census below 80 percent to create a dedicated unit for the care of COVID-19-affected residents. This led to COVID-19-affected residents being placed in the same facilities as residents without the disease, increasing the risk of disease spread in an already vulnerable population. The order also required facilities without dedicated units to transfer COVID-19-affected residents to regional hubs, which are dedicated exclusively to the care of COVID-19-affected residents; and

Whereas, Particularly in the early days of the COVID-19 Pandemic, the Governor’s policies placed COVID-19-affected residents in nursing homes that were ill-prepared to both care for them and prevent the spread of the disease to other residents. Understaffing and a lack of testing and personal protective equipment (PPE) compounded the enormous challenges facilities already faced; and

Whereas, COVID-19 has ravaged Michigan nursing homes with more than 1,200 deaths occurring in these settings, which makes up about 23 percent of all Michigan deaths from COVID-19. The Whitmer administration has been slow to release nursing home data, and the available data continues to be woefully inadequate, making it difficult to see the full impact of these detrimental policies; and

Whereas, Despite evidence of the significant flaws in the initial nursing home policies, Executive Order 2020-95, issued May 20, 2020, continues to put nursing home residents in harm’s way by placing COVID-19-affected residents in the same facilities as other residents; and

Whereas, Ensuring the health and well-being of the state’s most vulnerable residents during the COVID-19 Pandemic is of the utmost importance. The Whitmer administration must be held accountable for these decisions. It is imperative that Michigan’s flawed nursing home policies are replaced by policies that will protect nursing home residents today and in the future; now, therefore, be it

Resolved by the Senate, That we denounce the Governor’s policy placing COVID-19 positive residents with uninfected residents in nursing homes; and be it further

Resolved, That copies of this resolution be transmitted to the Governor.

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

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator MacGregor requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The resolution was adopted, a majority of the members therefor, as follows:

### Roll Call No. 223

### Yeas—23

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

### Nays—14

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

**Excused—1**

McBroom

**Not Voting—0**

In The Chair: President

Senators Barrett and MacGregor were named co-sponsors of the resolution.

**Protests**

Senators Hertel, Bayer, Santana, Moss, Wojno, Hollier, Alexander, Ananich, Chang, Bullock, Geiss and Brinks, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 125.

Senator Hertel moved that the statement he made during the discussion of Senate Resolution No. 125 be printed as his reasons for voting “no.”

The motion prevailed.

Senator Hertel’s statement, in which Senators Bayer, Santana, Moss, Wojno, Hollier, Alexander, Ananich, Chang, Bullock, Geiss and Brinks concurred, is as follows:

This resolution is all sizzle and no steak; it’s all glory and no guts. You don’t need to take my word for it. Melissa Samuel, who is the head of the Health Care Association of Michigan, said her organization had significant concerns with the initial executive order and expressed them immediately to members of the administration and to members of the Legislature, and changes were made and additional guidance was issued. In essence, it was never really implemented as originally issued. If you want more evidence, the good Senator from the 38th District who heads the Oversight Committee had hearings on this exact same issue. His quote in the *Detroit News* was, “We have not seen any evidence or testimony that says that a nursing home was forced to take someone against their will.” Again, no real evidence of this ever having any real consequences whatsoever based on our own oversight hearings, based on the head of the nursing home area. It is, by the way, a clever talking point and I will hand you that.

But let’s pretend it’s real for a moment. Let’s pretend that this policy actually had been implemented, let’s pretend that what your own colleagues said was true was true, was not true. This executive order has been in place for months. What policy have we passed in that time? What have we done other than Facebook posts and TV interviews? You serve in the most powerful legislative body in the state of Michigan—the most powerful body. You have the power to pass laws, bills, all kinds of action. Zero things done except for a resolution to denounce the Governor. No actual action. I appreciate the idea that we should step up for families. Your idea of stepping up is a resolution on the floor of the Michigan Senate that accomplishes nothing.

We have many complicated issues that we need to work on, but I doubt that anyone ran for this powerful office and asked the people of this state for their trust, in order to do political gimmicks on the floor of the State Senate. It just seems like we have a little more power than that. If this is the best you can do, I’m willing to sit here on the floor and vote “no,” that’s fine, but I ask that you get some guts before you ask for glory. I ask that we actually figure out these situations, sit down, work together, and actually solve problems because the last way you’re going to do it is with a resolution on the floor of the State Senate, which is 100 percent political. There is a zero percent chance that this accomplishes anything other than a newspaper headline. Let’s spend some time actually working together, let’s solve problems together. You know, for people who asked that the legislative process be part of this, that, serving in the Legislature, we should have some power in this process, you should at least use that power when you have a problem to try to solve something, not put a resolution on the floor of the State Senate. I ask my colleagues to vote “no” for the sham that this is.

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

The motion prevailed.

Senator Runestad's statement is as follows:

Today I rise to address a heartbreaking issue of great significance to the most vulnerable, infirm members of our society. The day before yesterday, the Governor finally announced new protocols for long-term care facilities. This announcement follows weeks of intense scrutiny and questioning of the Governor's original policy that returned sick patients to nursing home facilities with other residents.

The Whitmer administration's new protocols can never erase the affliction caused by a policy that likely increased the chance of vulnerable seniors becoming sick as a result of exposure to the virus. Based on newly-released data, nursing home residents account for 34 percent of the deaths from this virus. But, the Detroit Health Department indicates this is likely an undercount. These statistics also do not include homes for the aged, adult foster care, or assisted living. Early on medical professionals recognized the disproportionate impact of COVID-19 on the senior population. The Whitmer administration should have done the bare minimum due diligence and should have been more cognizant of the risk it was creating for our elderly population here in Michigan. A policy that had the possibility of dramatically increasing the risk to this population surely should have been thoroughly vetted and investigated for potential risk.

This appears not to have been done here in Michigan. Forthcoming changes now are of little comfort to the family members who fear their loved ones were put in harm's way. Today I ask you to join me to stand up for the families, for the loved ones, and for the victims of this very flawed policy that impacted one of Michigan's most vulnerable populations—our senior citizens. Today I welcome your support of Senate Resolution No. 125 to decry and to repudiate the Governor's policy of requiring COVID-19-positive patients into our Michigan nursing homes.

By unanimous consent the Senate proceeded to the order of

#### **Introduction and Referral of Bills**

Senator MacGregor moved that rule 1.110 be suspended to allow for same-day introduction and referral of bills.

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

Senator Zorn introduced

#### **Senate Bill No. 973, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1212 (MCL 380.1212), as amended by 2016 PA 319.

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

Senator LaSata introduced

#### **Senate Bill No. 974, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1301 (MCL 324.1301), as amended by 2018 PA 451, and by adding section 33709.

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

Senator Irwin introduced

#### **Senate Bill No. 975, entitled**

A bill to repeal 2016 PA 389, entitled "An act to preempt local ordinances regulating the use, disposition, or sale of, prohibiting or restricting, or imposing any fee, charge, or tax on certain containers," (MCL 445.591 to 445.593).

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

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

#### **Senate Bill No. 976, entitled**

A bill to amend 1865 PA 124, entitled "An act to designate the holidays to be observed in acceptance and payment of bills of exchange, bank checks and promissory notes, the business of banking, savings and loan, building and loan, municipal offices, the holding of courts and relative to the continuance of suits," by amending section 1 (MCL 435.101), as amended by 1984 PA 4.

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

Senator Daley introduced  
**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.

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

Senator Daley introduced  
**Senate Bill No. 978, 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 bill was read a first and second time by title and referred to the Committee on Elections.

**House Bill No. 5781, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator MacGregor moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5843, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

### Statements

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

The motion prevailed.

Senator Hollier’s statement is as follows:

I will be very brief. I just wanted to thank many of my colleagues who signed on to co-sponsor my resolution to have a bi-partisan conversation about renaming military installations currently named after Confederate generals. A majority of this chamber signed on as co-sponsors and I look forward to being able to bring that up and it passing through the Senate.

I just wanted to mention similarly as we talked about the criminal justice system and reform, that the death of another black man in Atlanta started because of his continued interaction with the criminal justice system. People say, why did he run? He ran because he was on probation and he was worried about going back to prison for the rest of his life. And so as we talk about slavery—as we talk about continued institutionalization of black and brown people—it is important that we recognize the role that the work that we’re doing around expungement and other things plays a critical role in deescalating the type of conflicts that we have with the police.

Senator Nesbitt’s statement is as follows:

It’s human nature that the times we disagree in this body get more attention than the times we agree, but there are good stories to be told about the Senate working together. We’ve seen at least two of them this week alone. Yesterday, this body approved a massive COVID-19 relief package for our first responders and local communities with a strong, bipartisan vote.

And today, the Senate once again acted in a bipartisan manner to voice our strong opposition to Governor Whitmer’s policy of exposing our state’s most vulnerable residents to COVID-19 in nursing homes. I applaud my colleagues across the aisle who had the courage to denounce their Governor’s decision. It is a decision that has had tragic consequences for an untold number of seniors in our state who were exposed to this virus unnecessarily. Governor Whitmer has defended her decision by saying there were many

unknowns about the coronavirus when it first arrived in Michigan. There were, but the effect on the elderly and those with underlying health conditions was not one of them. We knew. Medical experts knew. Doctors warned from day one that older people were at the greatest risk of death from COVID-19 and yet our Governor sadly still decided to expose thousands of them to this deadly virus.

Of course a resolution cannot reverse time or change Governor Whitmer's tragic decisions, but our bipartisan vote today is a clear message to our Governor and it is a plea on behalf of our constituents to many who lost their parents or grandparents, they deserve better and they deserve answers.

### Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 17:

**House Bill Nos. 5781 5843**

The Secretary announced that the following bills were printed and filed on Wednesday, June 17, and are available on the Michigan Legislature website:

**Senate Bill Nos. 970 971 972**

**House Bill Nos. 5861 5862 5863 5864**

### Committee Reports

The Committee on Regulatory Reform reported

**Senate Bill No. 691, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1108 (MCL 339.1108), as amended by 2014 PA 136.

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

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

Aric Nesbitt  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Regulatory Reform reported

**House Bill No. 5502, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 22 (MCL 29.22), as amended by 1980 PA 247.

With the recommendation that the bill pass.

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

Aric Nesbitt  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

**House Bill No. 5503, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 28 (MCL 125.1528), as amended by 2018 PA 307.

With the recommendation that the bill pass.

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

Aric Nesbitt  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

**Senate Bill No. 646, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 15 (MCL 474.115), as amended by 2016 PA 349.

With the recommendation that the bill pass.

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

Tom Barrett

Chairperson

## To Report Out:

Yeas: Senators Barrett, LaSata, McBroom, Victory, Outman, Lauwers, Geiss, Bullock and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, June 17, 2020, at 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Barrett (C), LaSata, McBroom, Victory, Outman, Lauwers, Geiss, Bullock and Hollier

The Committee on Agriculture reported

**Senate Bill No. 850, entitled**

A bill to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; and to prescribe penalties and civil sanctions.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Kevin Daley

Chairperson

## To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Polehanki and Brinks

Nays: None

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

The Committee on Agriculture reported

**Senate Bill No. 852, entitled**

A bill to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; and to prescribe penalties and civil sanctions.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Kevin Daley

Chairperson

## To Report Out:

Yeas: Senators Daley, Victory, Lauwers, Polehanki and Brinks

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:  
Meeting held on Thursday, June 18, 2020, at 8:30 a.m., Room 403, 4th Floor, Capitol Building  
Present: Senators Daley (C), Victory, Lauwers, Polehanki and Brinks

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:  
Meeting held on Wednesday, June 17, 2020, at 8:30 a.m., Room 403, 4th Floor, Capitol Building  
Present: Senators McBroom (C), Bumstead, Outman, Schmidt and McCann

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:  
Meeting held on Wednesday, June 17, 2020, at 12:00 noon, Room 403, 4th Floor, Capitol Building  
Present: Senators Runestad (C), Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

## COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:  
Meeting held on Thursday, June 18, 2020, at 8:15 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Nesbitt, LaSata, Schmidt, Hertel and Hollier

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:  
Meeting held on Thursday, June 18, 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

**Scheduled Meetings**

**Elections** - Wednesday, June 24, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

**Natural Resources** - Wednesday, June 24, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

**Oversight** - Tuesday, June 23, 2:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

**Regulatory Reform** - Tuesday, June 23, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5314

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

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 11:02 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, June 23, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate