

**No. 65**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**100th Legislature**  
**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Tuesday, September 1, 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—excused  
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 Sean McCann of the 20th District offered the following invocation:

Always remember to forget the things that made you sad, but never forget to remember the things that made you glad. Always remember to forget the friends that proved untrue, but never forget to remember those that have stuck by you. Always remember to forget the troubles that passed away, but never forget to remember the blessings that come each day. An Irish blessing for you.

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

### **Motions and Communications**

Senator Irwin entered the Senate Chamber.

Senator MacGregor moved that Senators MacDonald and McBroom be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

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

The motion prevailed.

The following communication was received and read:  
Office of the Auditor General

August 26, 2020

Enclosed are the copies of the reports released during the stay-at-home order:

Released – July 28, 2020

- Performance audit report on the Kalamazoo Psychiatric Hospital, Michigan Department of Health and Human Services (391-0220-19).

Released – July 31, 2020

- Performance audit report on the Flint Emergency Expenditures, State of Michigan (000-2020-20).

Released – August 13, 2020

- Performance audit report on Virtual Learning in Traditional Public Schools, Michigan Department of Education (313-0224-16).

Sincerely,  
Doug Ringle  
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communication was received:  
Office of Senator Jim Ananich

August 15, 2020

I would like to request that my name be added as a co-sponsor to Senate Resolution 137, a resolution to acknowledge the 55th Anniversary of the Voting Rights Act of 1965.

Sincerely,  
Jim Ananich  
Senate Minority Leader  
District 27

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.

## Messages from the Governor

Senators Ananich and Geiss entered the Senate Chamber.

The following message from the Governor was received on August 26, 2020, and read:

### EXECUTIVE ORDER No. 2020-171

#### **Michigan Women's Commission Department of Civil Rights Department of Labor and Economic Opportunity Department of Education**

#### **Executive Reorganization**

During a series of conversations facilitated by the Michigan Women's Commission across this state, the women of Michigan expressed directly to Governor Whitmer that economic security is the biggest barrier to achieving gender equity.

To achieve economic security, Michigan women overwhelmingly cite pay equity, available and affordable childcare, paid parental leave, and the need for more women—and a more diverse group of women—in leadership roles in government, business, academia, and nonprofits as priorities. They also highlight the need for more equitable and affordable access to the types of training and education that lead to better paying jobs. Across all conversations, Michigan women expressed the importance of centering the most marginalized communities and the most affected populations in every policy decision.

Achieving these priorities can best be addressed by collaboration between the Department of Labor and Economic Opportunity and the Michigan Women's Commission. This partnership will broaden, strengthen, coordinate, and streamline efforts to achieve gender equity in the state, while at the same time building greater economic security for women.

The functions, duties, and responsibilities assigned to the Michigan Women's Commission can be more effectively organized and carried out within the Department of Labor and Economic Opportunity.

It is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government by transferring the Michigan Women's Commission from the Department of Civil Rights to the Department of Labor and Economic Opportunity.

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

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

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

#### **1. Transfer of the Michigan Women's Commission to the Department of Labor and Economic Opportunity**

(a) The positions of chairman and vice-chairman of the Michigan Women's Commission (the "Commission") are abolished.

(b) The executive director of the Commission shall be its chief executive officer, and shall provide executive direction and supervision of the Commission's activities. The executive director shall serve as an ex officio member of the Commission.

(c) The governor shall designate a chairperson and a vice-chairperson of the Commission from among its members.

(d) The heads of the following departments and commissions, or their designees, shall serve as ex officio members of the Commission: Department of Civil Rights, Department of Education, Department of Labor and Economic Opportunity, Department of Health and Human Services, and Michigan Civil Service Commission.

(e) The Commission is transferred by Type I transfer to the Department of Labor and Economic Opportunity, including but not limited to its two full-time staff.

(f) The director of the Department of Civil Rights shall provide executive direction and supervision for the implementation of the transfer.

## 2. Definitions.

As used in this order:

(a) “Department of Civil Rights” means the principal department of state government created by section 475 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.575.

(b) “Department of Education” means the principal department of state government created by section 300 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.400.

(c) “Department of Health and Human Services” means the principal department of state government created by Executive Order 2015-4, MCL 400.227.

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

(e) “Michigan Civil Service Commission” means the commission created by Section 5 of Article XI of the Michigan Constitution of 1963.

(f) “Michigan Council on Educational Opportunity for Military Children” means the council required by article 8 of section 1 of 2008 PA 160, MCL 3.1041.

(g) “Michigan Women’s Commission” means the independent unit created by 1968 PA 1, as amended, MCL 10.71 *et seq.*

(h) “Type I transfer” means that term as defined in section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(a).

(i) “Type II transfer” means that term as defined in section 3(b) of the Executive Organization Act of 1965, MCL 16.103(b).

## 3. Implementation and other matters.

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

(b) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

(c) The Michigan Council on Educational Opportunity for Military Children is transferred by Type II transfer from the Department of Labor and Economic Opportunity to the Department of Education. The director of the Department of Labor and Economic Opportunity shall provide executive direction and supervision for the implementation of the transfer.

(d) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective November 1, 2020 at 12:01 a.m.

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

Date: August 26, 2020

Time: 10:45 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 August 27, 2020, and read:

EXECUTIVE ORDER  
No. 2020-172

**Protecting workers who stay home, stay safe  
when they or their close contacts are sick**

**Rescission of Executive Order 2020-166**

The lapsing of the federal supplement to unemployment benefits at the end of July means that more Michiganders feel pressure to go to work even when they are sick with COVID-19. Doing so, however, risks spreading infection at the workplace, which frustrates efforts to reopen the economy and get our kids back to school. Individuals who have COVID-19, or who may have COVID-19, must be encouraged to isolate themselves from others.

This executive order therefore prohibits employers from discharging, disciplining, or retaliating against employees who make the responsible choice to stay home when they or their close contacts are sick. The order has again been revised to clarify the definition of the principal symptoms of COVID-19.

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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 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 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 August 7, 2020, I issued Executive Order 2020-165, 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[er] 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. It is the public policy of this state that an employer shall not discharge, discipline, or otherwise retaliate against an employee for staying home when he or she is at particular risk of infecting others with COVID-19. To effectuate that policy:

(a) Employers are prohibited from discharging, disciplining, or otherwise retaliating against an employee described in sections 2 or 3 of this order for staying home from work for the periods described in those sections.

(b) Employers must treat such an employee as if he or she were taking medical leave under the Paid Medical Leave Act, 2018 PA 338, as amended, MCL 408.961 *et seq.*

(1) To the extent that the employee has no paid leave, the leave may be unpaid. Employers are permitted, but not required, to debit any hours that an employee described in sections 2 or 3 of this order stays home from work from the employee's accrued leave.

(2) The length of such leave is not limited by the amount of leave that an employee has accrued under MCL 408.963 and must extend, whether paid or unpaid, as long as the employee remains away from work within the time periods described in sections 2 or 3 of this order.

(c) Nothing in this section shall be taken to prevent an employer from discharging or disciplining an employee:

(1) Who is allowed to return to work under sections 2 or 3 of this order but declines to do so;

(2) With the employee's consent (e.g., if the employee asks to be discharged); or

(3) For any other reason that is not unlawful.

(d) The director of the Department of Labor and Economic Opportunity shall have authority to enforce this order in the same manner and to the same extent as the director enforces the Paid Medical Leave Act under section 7 of that act, MCL 408.967. In addition, the director shall refer all credible complaints of violations to the relevant licensing authority.

2. Subject to the exceptions in section 5 of this order, it is the public policy of this state that any and all individuals who test positive for COVID-19 or who display the principal symptoms of COVID-19 should (apart from seeking medical care) remain in their home or place of residence until:

(a) 24 hours have passed since the resolution of fever without the use of fever-reducing medications;

(b) 10 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result; and

(c) other symptoms have improved.

3. Subject to the exceptions in section 5 of this order, it is the public policy of this state that any and all people who have had close contact with an individual who tests for COVID-19 or with an individual who displays the principal symptoms of COVID-19 should remain in their home or place of residence (apart from seeking medical care) until either:

(a) 14 days have passed since the last close contact with the sick or symptomatic individual; or

(b) The individual displaying COVID-19 symptoms receives a negative COVID-19 test.

4. Section 3 does not apply to the following classes of workers, provided that their employers' rules governing occupational health allow them to go to work:

(a) Health care professionals.

(b) Workers at a health care facility, as defined in section 7(d) of this order.

(c) First responders (e.g., police officers, fire fighters, paramedics, emergency medical technicians).

(d) Child protective service employees.

(e) Workers at child caring institutions, as defined in section 1 of Public Act 116 of 1973, MCL 722.111.

(f) Workers at adult foster care facilities, as defined in the Adult Foster Care Facility Licensing Act, MCL 400.703(4).

(g) Workers at correctional facilities.

5. An individual described in sections 2 or 3 of this order who voluntarily returns to work (i.e. without threat of discharge, discipline, or retaliation from their employer) prior to the periods specified in sections 2 or 3, respectively, shall not be entitled to the protections against discharge, discipline, or retaliation provided under section 1 of this order.

6. It is the public policy of this state that individuals with a suspected or confirmed COVID-19 infection or who have had close contact with such an individual (i.e. individuals described in sections 2 and 3 of this order) should leave the home or place of residence only:

(a) To the extent absolutely necessary to obtain food, medicine, medical care, or supplies that are needed to sustain or protect life, where such food, medicine, medical care, or supplies cannot be obtained via delivery. All food, medicine, and supplies should be picked up at the curbside to the fullest extent possible.

(b) To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside their household.

7. For purposes of this order:

(a) "The principal symptoms of COVID-19" are (i) any one of the following not explained by a known medical or physical condition: fever, an uncontrolled cough, shortness of breath; or (ii) at least two of the following not explained by a known medical or physical condition: loss of taste or smell, muscle aches ("myalgia"), sore throat, severe headache, diarrhea, vomiting, abdominal pain.

(b) "Employer" means the same as it does in section 2(f) of the Paid Medical Leave Act, MCL 408.962(f), except that it shall also include employers with fewer than 50 employees.

(c) "Close contact" means being within six feet of an individual for fifteen minutes.

(d) "Health care facility" means the following facilities, including those which may operate under shared or joint ownership:

(1) The entities listed in section 20106(1) of the Public Health Code, 1978 PA 368, as amended MCL 333.20106(1).

(2) State-owned hospitals and surgical centers.

(3) State-operated outpatient facilities.

(4) State-operated veterans facilities.

(5) Entities used as surge capacity by any of the entities listed in subdivisions (1)-(4) of this subsection.

8. Nothing in this order shall be taken to create a private right of action against an employer for failing to comply with section 1 of this order or against an individual for acting contrary to the public policies of sections 2, 3, 5, or 6 of this order.

9. Executive Order 2020-166 is rescinded, except that the protections it afforded to workers during the time it was in effect remain effective.

10. This order is effective immediately.

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

Date: August 27, 2020

Time: 1:45 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 August 28, 2020, and read:

EXECUTIVE ORDER  
No. 2020-173

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

**Rescission of Executive Order 2020-158**

In order to reduce in-person interactions that may lead to the spread of COVID-19, this order continues until September 30 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 or antiviral treatment for this disease.

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On 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 August 7, 2020, I issued Executive Order 2020-165, 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 September 30, 2020 the validity of a notarial commission that expired or is set to expire between March 1, 2020 and September 30, 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 2020-158 is rescinded.

15. This order is effective immediately and continues through September 30, 2020 at 11:59 p.m.

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

Date: August 28, 2020

Time: 3:13 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 August 28, 2020, and read:

EXECUTIVE ORDER  
No. 2020-174

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

**Rescission of Executive Order 2020-156**

This executive order continues until September 30 the visitation restrictions of Executive Order 2020-156 in order 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, and should carefully consider the recommendations of the upcoming Nursing Home Task Force report in doing so.

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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 or antiviral treatment for this disease.

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

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On 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 August 7, 2020, I issued Executive Order 2020-165, 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. 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 2020-156 is rescinded.

9. This order is effective immediately and continues through September 30, 2020 at 11:59 p.m. Given under my hand and the Great Seal of the State of Michigan.

Date: August 28, 2020

Time: 3:15 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.

Senator Bullock entered the Senate Chamber.

The following messages from the Governor were received and read:

August 21, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 407 of 2016, MCL 339.5303, 339.5305 and 339.5705:

**Electrical Administrative Board**

Mr. Keith Kurdziel of 4526 Bison Drive, Holt, Michigan 48842, county of Ingham, succeeding Alan Kuipers whose term has expired, appointed to represent an electrical energy supply agency that operates in this state, for a term commencing August 21, 2020 and expiring July 30, 2024.

Mr. Edward Scott Weaver of 14489 Brown Road, Sunfield, Michigan 48890, county of Ionia, reappointed to represent a chief electrical inspector of a municipality, for a term commencing August 21, 2020 and expiring July 30, 2024.

August 21, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 176 of 1939, MCL 423.3:

**Michigan Employment Relations Commission**

Ms. Tinamarie Pappas of 4661 Pontiac Trail, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding Edward D. Callaghan whose term has expired, appointed to represent Democrats, for a term commencing August 24, 2020 and expiring June 30, 2023.

August 28, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 183 of 1964, MCL 830.412:

**State Building Authority Board of Trustees**

Mr. Michael E. Barnwell of 9855 Dixie Highway, Ira, Michigan 48023, county of Saint Clair, succeeding Dale Zahn whose term has expired, appointed for a term commencing August 28, 2020 and expiring August 21, 2024.

August 28, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121, 333.16122 and 333.16621:

**Michigan Board of Dentistry**

Ms. Cheryl Bentley of 2150 Kruppvilla Drive, N.E., Grand Rapids, Michigan 49503, county of Kent, reappointed to represent dental hygienists, for a term commencing August 28, 2020 and expiring June 30, 2024.

Ms. Janet Kinney of 1505 W. Cross Street, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding Paula Weidig whose term has expired, appointed to represent dental hygienists, for a term commencing August 28, 2020 and expiring June 30, 2024.

Mrs. Cynthia McCants of 2709 Halyard Court, Lansing, Michigan 48911, county of Ingham, succeeding Rita Hale whose term has expired, appointed to represent the general public, for a term commencing August 28, 2020 and expiring June 30, 2024.

Dr. Vaijanthi M. Oza of 2025 Lone Pine Road, West Bloomfield, Michigan 48323, county of Oakland, reappointed to represent dentists, for a term commencing August 28, 2020 and expiring June 30, 2024.

Dr. Edward G. Sarkisian of 17205 Cameron Drive, Northville, Michigan 48168, county of Wayne, succeeding Peter Chiaravalli whose term has expired, appointed to represent dentists, for a term commencing August 28, 2020 and expiring June 30, 2024.

Dr. Mamnoon Siddiqui of 48105 Four Seasons Boulevard, Northville, Michigan 48168, county of Wayne, succeeding Timothy Schmakel whose term has expired, appointed to represent dentists with a health profession specialty certification, for a term commencing August 28, 2020 and expiring June 30, 2024.

August 28, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 227 of 1967, MCL 408.807:

**Elevator Safety Board**

Mr. John W. Whitten of 160 Calais Court, S.E., Grand Rapids, Michigan 49546, county of Kent, succeeding John Vitale whose term has expired, appointed to represent architects and consulting engineers, for a term commencing August 28, 2020 and expiring July 22, 2024.

August 28, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 207 of 1941, MCL 29.3b:

**State Fire Safety Board**

Dr. Julie Bulson of 1908 8th Street, N.W., Grand Rapids, Michigan 49504, county of Kent, reappointed to represent hospital administration, for a term commencing August 28, 2020 and expiring July 15, 2024.

Mr. Randall Halstead of 3671 Pratt Lake Avenue, S.E., Lowell, Michigan 49331, county of Kent, succeeding Mark Jensen whose term has expired, appointed to represent the liquefied petroleum gas industry or the flammable compressed gases industry, for a term commencing August 28, 2020 and expiring July 15, 2024.

Mr. Tavis J. Millerov of 122 Lloyd Street, Williamston, Michigan 48895, county of Ingham, succeeding Ron Sabin whose term has expired, appointed to represent organized fire departments in the Lower Peninsula, for a term commencing August 28, 2020 and expiring July 15, 2024.

Mr. Jeramie Morris of 4073 West Crossings, Saginaw, Michigan 48603, county of Saginaw, reappointed to represent the chemical manufacturing industry, for a term commencing August 28, 2020 and expiring July 15, 2024.

Captain Brian J. Talvensaar of 135 Ridgewood Drive, Marquette, Michigan 49855, county of Marquette, succeeding Jeffery Green whose term has expired, appointed to represent organized fire departments in the Upper Peninsula, for a term commencing August 28, 2020 and expiring July 15, 2024.

August 28, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 407 of 2016, MCL 339.5303 and 339.6105:

**State Plumbing Board**

Mr. Joseph J. Alfonso of 11116 Ryans Way, Holland, Michigan 49423, county of Ottawa, succeeding Paul Lemley whose term has expired, appointed to represent the general public, for a term commencing August 28, 2020 and expiring July 30, 2023.

Mr. Scott Kalchik of 9367 Chubb Road, Northville, Michigan 48167, county of Washtenaw, reappointed to represent licensed plumbing contractors who hold a master's license and have 10 years of experience as plumbing contractors, for a term commencing August 28, 2020 and expiring July 30, 2023.

Mr. Mark D. Wiseley of 3901 Strawberry Lake Road, Whitmore Lake, Michigan 48189, county of Livingston, reappointed to represent licensed plumbing contractors who hold a master's license and have 10 years of experience as plumbing contractors, for a term commencing August 28, 2020 and expiring July 30, 2023.

August 28, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 451 of 1994, MCL 324.78102:

**Michigan State Waterways Commission**

Ms. Mary A. Rising of 4389 Island View Drive, Fenton, Michigan 48430, county of Genesee, reappointed to represent a member from the marine-trades industry who does not own or operate a harbor or marina, for a term commencing September 19, 2020 and expiring September 18, 2023.

Mr. Mark P. Yonan of 17305 Baldwin Circle, Holly, Michigan 48442, county of Genesee, succeeding Steve Arwood whose term expires September 18, 2020, appointed to represent the general public, for a term commencing September 19, 2020 and expiring September 18, 2023.

Respectfully,  
Gretchen Whitmer  
Governor

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

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

The motion prevailed.

Senator Outman's statement is as follows;

I rise today to recognize a remarkable family in my district. Three members of the Armstead family who proudly and bravely served our state and nation in the United States Army have been honored with burial in the Great Lakes National Cemetery in Holly.

Peter Armstead joined the Union cavalry in 1861 and fought until he was discharged for war-related injuries in 1864. He fought in battles such as Bull Run and in the Western Theater. Even after he was captured and held as a prisoner of war, he rejoined his unit and fought for the Union and freedom until he was honorably discharged for his war-related disabilities. Even then he still tried to re-enlist and had to be told by a U.S. Army surgeon that his injuries were too severe. Peter is truly an inspiration to all of us for his courage and dedication to our noble cause.

Earl Armstead joined the U.S. Army in 1917 and served in France during World War I. There, he received the World War I Victory Medal with Defensive Sector Battle Clasp. He was placed in combat positions and destroyed enemy bridges to prevent their movement and re-supply. He endured mortar and chemical gas attacks from the enemy. Earl's tenacity and industriousness were a true testament to his character.

Robert Armstead served with the Sixth Army in Europe during World War II. His service in the tank destroyer battalion earned him the rank of sergeant as well as numerous medals. His unit was stationed on Benito Mussolini's farm in Naples and took part in the Po Valley campaign. In August 1945, his unit was recalled to the United States to prepare for the Pacific campaign, but the war ended before they were re-deployed. Robert's valor and integrity embody a spirit of patriotism we can all admire.

These three Armstead men have been moved to the Great Lakes National Cemetery thanks to the great efforts of Dr. Robert Armstead, the son of Sergeant Robert Armstead. Dr. Armstead is here today up in the east Gallery. These three heroes were the first family members who are Civil War, World War I, and World War II veterans to be buried side-by-side in a national cemetery. Thank you Dr. Armstead for making this possible; and thank you Peter, Earl, and Robert Armstead for your service and your sacrifice for us all.

Senator Santana entered the Senate Chamber.

**Recess**

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

The motion prevailed, the time being 10:09 a.m.

11:20 a.m.

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

During the recess, Senators MacDonald and McBroom entered the Senate Chamber.

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 bill:  
**Senate Bill No. 820**  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 820, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 517a (MCL 436.1517a), as amended by 2018 PA 472.

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. 269**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Johnson

**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. 5488, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1k of chapter IX (MCL 769.1k), as amended by 2017 PA 64.

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. 270**

**Yeas—29**

Ananich	LaSata	McMorrow	Shirkey
Barrett	Lauwers	Moss	Stamas

Bizon	Lucido	Nesbitt	Theis
Brinks	MacDonald	Outman	VanderWall
Bumstead	MacGregor	Polehanki	Victory
Daley	McBroom	Runestad	Wojno
Hertel	McCann	Schmidt	Zorn
Horn			

**Nays—8**

Alexander	Bullock	Geiss	Irwin
Bayer	Chang	Hollier	Santana

**Excused—1**

Johnson

**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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

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 Polehanki 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:

**Senate Bill No. 921, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2091) by adding section 8c.

**House Bill No. 4228, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1086.

**House Bill No. 4577, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2081) by adding section 1092.

**Senate Bill No. 1015, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1103 and 1106 (MCL 500.1103 and 500.1106), section 1103 as amended and section 1106 as added by 2018 PA 91.

**Senate Bill No. 809, entitled**

A bill to amend 1984 PA 323, entitled "The health care false claim act," by amending section 4a (MCL 752.1004a), as amended by 2016 PA 80.

**House Bill No. 5134, entitled**

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 10 (MCL 408.660), as amended by 2014 PA 163.

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

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

**Senate Bill No. 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. Substitute (S-1)

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Irwin, McCann, Brinks and Chang introduced

**Senate Bill No. 1072, entitled**

A bill to amend 2000 PA 92, entitled "Food law," (MCL 289.1101 to 289.8111) by adding section 5106. The bill was read a first and second time by title and referred to the Committee on Environmental Quality.

Senator Wojno introduced

**Senate Bill No. 1073, entitled**

A bill to create the office of state poet laureate in the department of education; to provide for the appointment and term of certain state officers; to appoint certain poets laureate in different regions of this state; and to impose duties and responsibilities on certain state officers.

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 Hertel offered the following resolution:

**Senate Resolution No. 137.**

A resolution to acknowledge the 55th Anniversary of the Voting Rights Act of 1965.

Whereas, The fundamental, undergirding principle of democracy is the immutable right for all citizens to participate in the voting process; and

Whereas, When this principle freedom is endangered, it is incumbent upon all citizens to demand relief from any threat of disenfranchisement; and

Whereas, Congress ratified the 15th Amendment 150 years ago, declaring that the right to vote shall not be denied or abridged on the basis of race, color, or previous condition of servitude; and

Whereas, In 1870, during reconstruction, the first African Americans were elected to serve in state, local, and federal offices, and in unison, the 41st Congress of the United States seated its first African American Senator, Hiram Revels; regrettably, there would be almost nine decades until the next African American was elected to the United States Senate; and

Whereas, Between 1870 and 1965, voters faced “first-generation barriers” such as poll taxes, literacy tests, vouchers of “good character,” disqualification for “crimes of moral turpitude”, and other tactics intended to keep African Americans from registering to vote and casting ballots on Election Day; and

Whereas, By 1910, violence and intimidation resulted in the disenfranchisement of several black citizens with their removal from the voting polls in former Confederate States, undermining the promise of equal protection under the law; and

Whereas, During the 1920s, African Americans in Selma, Alabama formed the Dallas County Voters League (DCVL); and

Whereas, In the 1960s, in partnership with the Student Nonviolent Coordinating Committee (SNCC), the DCVL held registration drives and classes to help African Americans in Dallas County pass the literacy tests required to register to vote; and

Whereas, On February 26, 1965, civil rights activist, Jimmy Lee Jackson died after he was brutally beaten and shot by an Alabama State Trooper during a peaceful protest for voting rights. His death was the impetus for the first Selma to Montgomery March; and

Whereas, On Sunday, March 7, 1965, the first march from Selma to Montgomery took place, of which was led by John Lewis, with approximately 600 hundred participants; and

Whereas, Several armed Alabama State Troopers, some on horseback, attacked the marchers with nightsticks, tear gas, and whips as the marchers crossed the Edmund Pettus Bridge; and

Whereas, The march, known today as “Bloody Sunday” for the horrific attack on peaceful marchers, sparked national outrage as it was broadcast on nationwide television. This led to a national outcry for the passage of the Voting Rights Act; and

Whereas, President Lyndon B. Johnson signed the Voting Rights Act into law on August 6, 1965, which provided federal oversight of voter registration and the elimination of poll taxes; and

Whereas, The Voting Rights Act of 1965 is still recognized as landmark, bi-partisan legislation and regarded as one of the most effective civil rights laws ever written. It would be amended five times to offer more protections as well; and

Whereas, This historic legislation passed with the intent to ban discriminatory voting policies at all levels of government and stand as a guardian for every American’s right to vote; and

Whereas, The Voting Rights Act of 1965 is credited for the enfranchisement of millions of Black Indigenous People of Color as well as the diversification of the electorate and legislative bodies throughout all levels of government; and

Whereas, In June 2013, the Supreme Court struck down key sections of the Voting Rights Act of 1965 that were designed to prevent discriminatory voting policies that disenfranchise Black Indigenous People of Color voters; and

Whereas, Despite 55 years of progress, Black Indigenous People of Color continue to face voting barriers in jurisdictions with a history of discrimination; and

Whereas, In order to build a more perfect union, we must continue to advance the cause of voter equality, advocate for equal access to the political process, and protect the voting rights of every American; now, therefore, be it

Resolved by the Senate, That we acknowledge the 55th Anniversary of the Voting Rights Act of 1965, while also honoring and remembering all those who struggled and died for this freedom.

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 Ananich, Geiss and Wojno were named co-sponsors of the resolution.

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

**Senate Resolution No. 138.**

A resolution to memorialize the United States Congress to fully fund the United States Postal Service and protect access to mail-in voting during the COVID-19 Pandemic.

Whereas, Because voting is the foundation of our democracy, election systems must be equipped to count all voted ballots. Along with the individuals whose votes are missed, our entire system of government suffers when ballots go uncounted; and

Whereas, The COVID-19 Pandemic and appropriate responses to contain the spread of the disease continue to disrupt our everyday lives and normal activities, like casting a ballot at the polls. Physical polling places with large groups of people congregated together create an environment conducive to the spread of COVID-19; and

Whereas, Mail voting and the ability to stay home and send a ballot to local election officials provides a safe way to vote amid the public health crisis. In fact, Michigan has seen record numbers of mailed absent voter ballots cast in 2020 elections; and

Whereas, It is imperative that our election systems are prepared to handle the immense increase in mailed ballots, namely the delivery of those ballots from voters to local election officials. A robust United States Postal Service is vital to ensuring all mailed ballots are counted and protecting the integrity of our very democracy; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to fully fund the United States Postal Service and protect access to mail-in voting during the COVID-19 Pandemic; and be it further

Resolved, That copies of this resolution be transmitted to 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.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Bayer's statement is as follows:

I rise today to ask for your support for Senate Resolution No. 138 introduced today, a resolution to memorialize the United States Congress to fully fund the United States Postal Service and protect access to mail-in voting during this COVID-19 pandemic.

As all of us here know, Michiganders rely on the Postal Service for daily living. Our seniors, our small businesses, our communities, our veterans—all of us rely on the U.S.P.S. It delivers vital medication, delivers and picks up bills, income and Social Security checks, birthday cards from grandchildren, schoolwork for remote students, and, of course, absentee ballots. Our Postal Service has been providing us with vital services for over 200 years. In fact, the Postal Clause is in our very Constitution, and the United States Postal Service is the only mail carrier—in fact, it is the only communication system we have— where our privacy rights are constitutionally protected.

My colleagues, you know what else is constitutionally protected? Our right to vote. Fundamental to our democracy. Anything that threatens our right to vote threatens our country and our very way of life. Here in Michigan, many of us rely on absentee ballots in order to vote. Dismantling the Post Office will in essence dismantle the right to vote for many Michiganders. It would dismantle the right to vote right now for my mother.

In this time of COVID-19, more than anything, perhaps more than any other time in history, we need the United States Postal Service.

Senator Barrett’s statement is as follows:

Of course all of you know that on July 31st during a scheduled screening before I was sent to depart on some military training, that I tested positive for COVID-19. Thankfully I never really developed any symptoms and was cleared by the health department about ten days later. Now my case is hardly unique and I hope that I can serve as a bit of a public example to others that you can also survive this. Our death rate from COVID has been substantially reduced as doctors have become more skilled at treating COVID and new therapies have become available. I’m trying to do my part to help others, so I’m scheduled to donate convalescent plasma this week to hopefully assist someone else who may be struggling with the effects of COVID. And because of both our state and federal leaders, we now have an abundance of PPE and ventilators that didn’t even exist six months ago are waiting idle in hospitals in case they become needed. These are things that we should really celebrate.

To all of you who offered support, prayers, encouragement, and assistance to me and my family over the last few weeks: thank you very much. We really appreciate that and your outreach did not go unnoticed and I appreciate all of you in that. To all of you who’ve asked me not to give up, to keep the faith, and continue fighting for our values and our constitutional checks and balances, I have a message for you: I’m here, I’m healthy, and I’m not going anywhere. To all the losers and cowards who wished debilitating and painful complications, and even death to me and my family, I have a message for you too: I’m here, I’m healthy, and I’m not going anywhere.

Senator Bullock’s statement is as follows:

Colleagues, guests, over the past several weeks we have lost giants from all walks of life—entertainment, sports, legislators, and civil rights leaders. So it is with deep sadness I rise to inform this chamber that—one this one hits close to home, I physically cried—my spirit and my soul has missed a beat with the news of the passing of one of our own giants, the Honorable Representative Alma G. Stallworth, mother of two former members of our adjacent chamber family. She may not have served in this chamber, yet her spirit influenced the conscience of many who have. She was a trailblazer and at the forefront of women, especially Black women in politics. She was a shining light and a role model for many women and men in the Legislature, and just life. She was bold, beautiful, forward-thinking, proactive, and progressive. She worked hard advocating for others, the less fortunate, children’s rights, and many others.

She founded the Black Caucus Foundation of Michigan, which was an advocacy program and model for policy and research. She also established the Alma G. Stallworth Scholarship Fund in which just two weeks ago on a Sunday she had me come speak to the recipients at a luncheon—they participated in a drug-free program and excel at school. Because whenever she called on you, you responded. You responded with an enthusiastic “Yes, how can I be of service. Whatever you need. When and where?” She will be missed. About a year ago, coming back from a Congressional Black Caucus in D.C., I sat with her on the airplane and it was just amazing to hear her passion just recently and her institutional knowledge of service and what was needed in our generation to move things forward. To the Stallworth family who just lost their family less than a year ago, we send prayers of strength, comfort, and patience.

A moment of silence was observed in memory of Alma G. Stallworth, former member of the House of Representatives.

### Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, August 12, and are available on the Michigan Legislature website:

**House Bill Nos. 6102 6103 6104**

The Secretary announced that the following bills were printed and filed on Saturday, August 15, and are available on the Michigan Legislature website:

**Senate Bill Nos. 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065  
1066 1067 1068 1069 1070 1071**

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

**House Bill Nos. 6105 6106 6107 6108 6109 6110 6111 6112 6113 6114 6115 6116 6117  
6118 6119 6120 6121 6122 6123 6124 6125 6126 6127 6128 6129 6130  
6131 6132 6133 6134**

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:  
Meeting held on Wednesday, August 19, 2020, at 11:30 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Nesbitt, LaSata, Schmidt, and Hollier  
Excused: Senators Hertel

#### COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:  
Meeting held on Wednesday, August 26, 2020, at 9:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators LaSata, Schmidt, and Hertel  
Excused: Senators Nesbitt and Hollier

### Scheduled Meetings

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

**COVID-19 Pandemic Joint Select** - Wednesday, September 2, 8:15 a.m., and Thursday, September 3, 8:30 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

**Families, Seniors, and Veterans** - Wednesday, September 2, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

**Finance** - Wednesday, September 2, 12:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

**Insurance and Banking** - Wednesday, September 2, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5314

**Natural Resources** - Wednesday, September 2, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 11:42 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, September 2, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

