

No. 57  
STATE OF MICHIGAN  
**Journal of the Senate**  
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**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Wednesday, June 24, 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—excused  
Bumstead—present  
Chang—present  
Daley—present  
Geiss—present  
Hertel—present  
Hollier—present

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

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

Senator Ed McBroom of the 38th District offered the following invocation:

Dear Father, we give You praise that You've given us a beautiful day and that You've brought us here to serve the people of Michigan. Help our work today to be dedicated to You. Help us in all we do and say to reflect on how we work for You and that each moment of our day should be an act of worship.

Father I pray that You would guide us today in the work we have before us. That You would give us the wisdom we need. Father, I pray that You would help us to help the people of Michigan. That You would make us cognizant of those who are suffering, those who are in need. Help us to remember the mandate that You put on us to think of widows, orphans, those who are in poverty, those who are suffering and are outcast. Father, help our work to make life better and more acceptable for them. Father, I pray that You bring healing to our nation, to our state. That You would help each of us to recognize the sin and biases and problems that we carry and help us to focus on what is true and that You've created all of us. That You seek people to worship You in truth and in spirit. Help us this day to make it a day dedicated to You in the work that we have before us.

I pray this in Jesus' name. Amen.

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

### Motions and Communications

Senators Schmidt and Ananich entered the Senate Chamber.

Senator Chang moved that Senator Bullock be excused from today's session.  
The motion prevailed.

The following communication was received:  
Office of Senator Sylvia Santana

June 16, 2020

Please add my name to the list of co-sponsors for SJR K. If you have any questions, please reach out to my office.

Sincerely,  
Sylvia A. Santana  
State Senator  
Michigan's 3rd District

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 bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 897**

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

### Messages from the Governor

The following messages from the Governor were received:

Date: June 23, 2020  
Time: 2:33 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 278 (Public Act No. 93), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the

general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 221 and 310 (MCL 257.221 and 257.310), section 221 as amended by 1998 PA 64 and section 310 as amended by 2018 PA 177.

(Filed with the Secretary of State on June 23, 2020, at 3:14 p.m.)

Date: June 23, 2020  
Time: 2:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 279 (Public Act No. 94), being**

An act to amend 2008 PA 23, entitled “An act to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties,” by amending section 5 (MCL 28.305), as amended by 2018 PA 606.

(Filed with the Secretary of State on June 23, 2020, at 3:16 p.m.)

Respectfully,  
Gretchen Whitmer  
Governor

The following messages from the Governor were received and read:

June 23, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 451 of 1994, MCL 324.501:

**Michigan Natural Resources Commission**

Mr. Michael J. Lashbrook of 1703 Cranston Court, East Lansing, Michigan 48823, county of Ingham, succeeding George Heartwell who was disapproved by the Senate, appointed to represent Democrats, for a term commencing June 23, 2020 and expiring December 31, 2023.

Mr. James R. “JR” Richardson of 36658 McGuire Road, Ontonagon, Michigan 49953, county of Ontonagon, succeeding John Walters who has resigned, appointed to represent Republicans, for a term commencing June 23, 2020 and expiring December 31, 2021.

Ms. Carol M. Rose of 18555 Glacier Trail, Hillman, Michigan 49746, county of Montmorency, succeeding Anna Mitterling who was disapproved by the Senate, appointed to represent Independents, for a term commencing June 23, 2020 and expiring December 31, 2023.

June 23, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 451 of 1994, MCL 324.43532b:

**Michigan Wildlife Council**

Dr. Jason Garvon of 9483 W. Shenandoah Avenue, Brimley, Michigan 49715, county of Chippewa, succeeding James Hammill whose term has expired, appointed to represent individuals who have purchased hunting or fishing licenses in this state on a regular basis, at least once during each of the last 3 years, and are nominated by statewide sportsmen organizations, for a term commencing June 24, 2020 and expiring March 31, 2024.

Mr. Edgar Roy, III of 7140 Logan Lane, Traverse City, Michigan 49686, county of Grand Traverse, reappointed to represent individuals who have purchased hunting or fishing licenses in this state on a regular basis, at least once during each of the last 3 years, and are nominated by statewide sportsmen organizations, for a term commencing June 24, 2020 and expiring March 31, 2024.

Mr. Thomas Elliot Shafer of 449 Saddle Lane, Grosse Pointe Woods, Michigan 48236, county of Wayne, succeeding Carol Rose who has resigned, appointed to represent an individual with a media or marketing background who is not an employee of the department, for a term commencing June 24, 2020 and expiring March 31, 2022.

Respectfully,  
Gretchen Whitmer  
Governor

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator MacGregor moved that rule 2.107 be suspended to allow committees to meet during Senate session.

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

By unanimous consent the Senate proceeded to the order of

**Messages from the House**

**Senate Bill No. 963, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 365 (MCL 18.1365), as added by 2019 PA 160.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Senate agreed to the full title.

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

**Recess**

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

The motion prevailed, the time being 10:06 a.m.

10:40 a.m.

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

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 McCann as Chairperson.

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

**House Bill No. 4390, entitled**

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending sections 2 and 9 (MCL 29.362 and 29.369), as amended by 2017 PA 144, and by adding section 9c.

**Senate Bill No. 897, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 536 (MCL 436.1536), as amended by 2019 PA 131.

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

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

**House Bill No. 4391, entitled**

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending section 14 (MCL 408.1014), as amended by 2012 PA 415, and by adding section 14r.

Substitute (S-1)

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 5781**

The motion prevailed.

The following bill was read a third time:

**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 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. 225**

**Yeas—36**

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

**Nays—1**

McBroom

**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments

and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5811, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 537a.

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. 226**

**Yeas—36**

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

**Nays—1**

McBroom

**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of

certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

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

Senator LaSata introduced

#### **Senate Bill No. 982, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8306 and 8314 (MCL 324.8306 and 324.8314), section 8306 as amended by 2004 PA 24 and section 8314 as amended by 2002 PA 418.

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

Senators MacGregor, Stamas, Shirkey, VanderWall and Schmidt introduced

#### **Senate Bill No. 983, entitled**

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

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

Senators Hollier, Geiss, Santana, Wojno, Alexander, Moss, Hertel and Brinks introduced

#### **Senate Bill No. 984, 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 bill was read a first and second time by title and referred to the Committee on Appropriations.

By unanimous consent the Senate returned to the order of

### **Resolutions**

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

#### **Senate Resolution No. 129**

The motion prevailed.

Senator Bizon offered the following resolution:

#### **Senate Resolution No. 129.**

A resolution to urge the United States Department of Defense to establish a policy to review, and change as necessary, the names of military installations and ships every 20 years.

Whereas, The United States military has over 400 military installations in the U.S. and more than 490 ships, many named after individuals; and

Whereas, Military installations and ships are often named after people who can serve as an inspiration to other military personnel. The U.S. Army’s current naming policy, for instance, provides that army bases should be named after individuals who have distinguished themselves and can serve as inspirations to many different people including officers, engineers, soldiers, and others; and

Whereas, How a person’s individual achievements are viewed can evolve over time. A name that is appropriate for a specific military installation or ship at one time, may not be appropriate in years to come. Establishing a policy to review names on a regular basis and suggest new honors provides the military flexibility to ensure that a military installation or ship bears the name of the most appropriate individual, while offering regular opportunities to honor other worthy people; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Defense to establish a policy to review, and change as necessary, the names of military installations and ships every 20 years; and be it further

Resolved, That copies of this resolution be transmitted to United States Secretary of Defense.

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.

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

**Senate Resolution No. 130**

The motion prevailed.

Senator MacDonald offered the following resolution:

**Senate Resolution No. 130.**

A resolution to memorialize the Congress of the United States to explore further avenues of relief for businesses affected by the COVID-19 Pandemic.

Whereas, The COVID-19 Pandemic has dramatically affected Michigan and the United States. The first cases in Michigan were reported on March 10, 2020, and since these initial reports more than 56,000 cases have been confirmed and more than 5,000 Michiganders have lost their lives to the novel coronavirus. Nationally, there have been more than 1.7 million cases and 100,000 deaths; and

Whereas, Mitigating the spread of the virus has required extraordinary public health measures. Governor Gretchen Whitmer has issued executive orders prohibiting large gatherings, closing all primary and secondary schools, and requiring the temporary closure of all nonessential businesses. At the federal level, the White House Coronavirus Task Force's guidelines recommended the closure of places where people gather, including businesses, where there is evidence of community transmission. While some industries and regions of the state have begun to partially reopen, it is unclear how long mitigation measures will be necessary before normal operations can resume; and

Whereas, These measures have greatly impacted the livelihoods of business owners across the state and our nation. With the forced closures, small business owners have been forced to lay off workers and forgo income for months, while still needing to make payments for utilities, mortgages and rent, and other expenses. According to a survey by the Small Business Administration of Michigan, one in seven, or about 14 percent, of small businesses are not confident that they will survive the Pandemic. Nationally, a survey found that 7.5 million small businesses are at risk of shutting down; and

Whereas, Federal and state governments have a responsibility to assist small businesses since government mitigation measures, while for the greater good, contributed significantly to the current economic crisis. The economic uncertainty and devastation caused by the COVID-19 Pandemic and the related mitigation policies are not the fault of small business owners. It would be unjust to fail to help them and to allow them to bear an unfair share of the burden of addressing this crisis; and

Whereas, The failure of these businesses could have wide ranging negative effects for Michigan and the United States. Since the beginning of the crisis, more than 40 million Americans have filed for unemployment, including more than 1.7 million in Michigan. If small businesses are unable to reopen, many of these claimants may not be able to return to work, magnifying the already devastating economic impact of COVID-19; and

Whereas, The small business relief already enacted by Congress is not sufficient to mitigate these effects. As part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Congress created the Paycheck Protection Program (PPP) to provide loans to small businesses. Even though additional money was subsequently appropriated to the program, the PPP has been unable to provide relief to millions of small businesses that have been affected by the crisis; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to explore further avenues of relief for businesses affected by the COVID-19 Pandemic; and be it further

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

Pending the order that, under rule 3.204, the 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.



By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator MacGregor moved that House Bill No. 5781 be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

Senator MacGregor moved that House Bill No. 5811 be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

**Recess**

Senator MacGregor moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:04 a.m.

11:39 a.m.

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

Senator MacGregor moved that the Senate proceed to consideration of the following bill:  
**Senate Bill No. 956**  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 956, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21717 (MCL 333.21717), as amended by 2014 PA 66, and by adding section 5145.

The question being on the passage of the bill,  
Senator Hertel offered the following amendment:

1. Amend page 2, following line 11, by inserting:

“(2) **The plan required under subsection (1)(b) must provide for all of the following:**

**(a) That if an individual tests positive for coronavirus and needs to be transferred to a dedicated facility described in subsection (1)(b), a physician shall provide, in writing and in a timeframe and manner determined by the department, that the individual is medically stable for the transfer to the dedicated facility. The plan must specify where the individual may reside while awaiting a physician’s determination.**

**(b) That the individual be transferred to a dedicated facility by a paramedic as that term is defined in section 20908.”** and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator Chang requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 227**

**Yeas—15**

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

**Nays—22**

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

**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

Senator Santana offered the following amendment:

1. Amend page 1, line 1, after “**department**” by inserting a comma and “**in consultation with the department of licensing and regulatory affairs,**”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Brinks offered the following amendment:

1. Amend page 2, line 11, after “**section.**” by inserting “**The plan must provide for all of the following: (i) 24 hour notice to the individual, the individual’s family members, or the individual’s legal representative regarding the transfer of the individual.**

**(ii) The ability for an individual described in subparagraph (i) to have a choice in the location of the transfer.**

**(iii) The ability for an individual described in subparagraph (i) to appeal a decision regarding the transfer. The department shall develop an appeals process for purposes of this subparagraph that includes a timeframe to file an appeal and that designates where the individual who is the subject of the transfer may reside while the appeal is pending.”.**

The question being on the adoption of the amendment,

Senator Chang requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 228****Yeas—15**

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

**Nays—22**

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall

Daley  
Horn  
Johnson

MacDonald  
MacGregor  
McBroom

Schmidt  
Shirkey

Victory  
Zorn

**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

Senator Lucido offered the following amendment:

1. Amend page 2, line 1, after “**policy**” by inserting a comma and “**based on relevant and updated guidance issued by the federal Centers for Disease Control and Prevention,**”.

The amendment was adopted, 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. 229**

**Yeas—24**

Barrett  
Bizon  
Bumstead  
Daley  
Horn  
Johnson

LaSata  
Lauwers  
Lucido  
MacDonald  
MacGregor  
McBroom

Nesbitt  
Outman  
Polehanki  
Runestad  
Schmidt  
Shirkey

Stamas  
Theis  
VanderWall  
Victory  
Wojno  
Zorn

**Nays—13**

Alexander  
Ananich  
Bayer  
Brinks

Chang  
Geiss  
Hertel

Hollier  
Irwin  
McCann

McMorrow  
Moss  
Santana

**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

## Protests

Senators Hertel, Moss, Irwin, Geiss, Hollier, Ananich, Brinks, McMorrow and Chang, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 956.

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

Senator Hertel’s statement, in which Senators Moss, Irwin, Geiss, Hollier, Ananich, Brinks, McMorrow and Chang concurred, is as follows:

I rise to give my “no” vote explanation.

I would like to vote “yes” on these bills. I think that it’s a reasonable discussion that we should have about a review of what policies happened in the past. I think it’s an important part and I would have like to have voted “yes” on that. I think it’s important to review policies moving forward to make sure that outside people aren’t being moved into nursing homes. That’s a reasonable discussion as well.

I cannot vote for a bill that violates an individual’s basic civil rights. And that’s exactly what this bill does. The moment that someone tests positive, you remove all choice from them, their family, and their doctor. We are saying on the floor of the Michigan Senate that we are taking those rights away from them based on them testing positive for a disease. But there is about a zero percent chance that any court in the nation will not read this bill and reject it because of those exact things. But I am not going to sit here and vote against a doctor being involved in the process, vote against that person’s individual right to decide where they live, and vote against a family—we weren’t even asking for family to have permission to say whether they would go someplace or not—but we just voted “no” on basic notification to a family. That we’re going to take somebody out of where they live, transfer them God knows how far away and we’re not even going to give the family enough respect to let them know that we’re transferring their resident.

I understand the political process that happens in this body. I understand this bill being rushed because of some political discussions. But this is not how we do business. There is an enormous amount of work that has to be done on the bill, and as currently written, is fatally flawed. I ask that my colleagues reconsider. I ask that you vote “no” on this bill. And again, I regretfully am giving my “no” vote explanation. I think that this is an important issue that we should be discussing. But not like this and not in violation of peoples’ rights.

Senators Hertel, Bayer, Lucido, Santana, Brinks, Nesbitt, Runestad and McMorrow asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hertel’s first statement is as follows:

Colleagues my amendment would require a doctor’s sign-off before a nursing home patient is transferred under this bill. It also requires, by the way, a licensed paramedic to do that transport. Study after study shows that the risk of transfers to someone who is medically frail are real and the results could be deadly. Transferring frail, older adults to new facilities not only could expose them to significant health risks, but transfers could also be extremely traumatic for patients, particularly those with diseases like Alzheimer’s or dementia who are experiencing memory issues and other cognitive challenges.

Colleagues, a person doesn’t stop being a person because they test positive for COVID. They don’t lose their civil liberties because they tested positive. Their inalienable rights cannot be infringed upon. You don’t lose your right to life because you have COVID or to decide your own manifest destiny. Your freedom to make choices of your own healthcare doesn’t end because you have COVID. We’ve heard a lot about civil rights lately. I’ve heard some people say that making someone wear a mask is a violation of their civil rights. Or that limiting public gatherings is a violation of their civil liberties. Or the ability to not get a haircut is a violation of their civil liberties. This right here—if we don’t adopt this amendment—will be the biggest affront to civil liberties ever passed by this body. The idea that we would say to somebody—regardless of what your doctor says, regardless of anything—you have no right to decide where you live. You have no right to decide you don’t want to get into that ambulance. The moment you test positive, there is zero review, period. That is a direct violation to our founding documents. It is a direct violation of your right to life. It is a direct violation of your right to liberty.

It is reasonable to ask that if someone is going to be transferred—and in some cases in our larger regions like the Upper Peninsula where people will be transferred likely hundreds of miles to these facilities—that a doctor at least review that patient. But make sure that they are medically able to do so. Otherwise there is a high likelihood that we will be causing peoples’ deaths through this bill. That makes zero sense to not at least allow for a medical determination if they are safe to transfer. We do not get to play God here. The idea

that we are choosing one person's life over another and saying one is more important because they tested positive or not is not our role in state government. It's a direct violation of our Constitution. It's a direct violation of our civil rights. It's a direct violation of our founding documents. All I ask is that we reasonably say that a physician reviews a person's health to make sure that they are safe for transfer before we put them in an ambulance and transfer over.

By the way, under the current writing of the bill there is no requirement that the person is even transferred in an ambulance. No requirement that a paramedic is there. We care about the rest of the residents We have to care about that person as well. I agree with lots of points of this bill but this point right here is ridiculous. I ask that you pass my amendment and solve this problem inside the bill.

Senator Bayer's first statement is as follows:

Just a few short remarks from me to highlight my colleague's comments on this amendment and on this bill. My mom has tested positive for COVID-19. She has been asymptomatic for one month. The day she tested positive a person in her complex—her senior living nursing home complex—was sick. They tested the complex. My mother was found positive. They shuffled her off to another location. So my mother is on the edge of dementia. She is getting older. She is very flaky. This rush to put her in another place totally threw her off whack. She has gone, within a month, from a little flaky to full-blown dementia. We have got to treat our seniors—our parents—like the people they are and give them all their rights. This bill—as much as I know there are things we need to do better to take care of our seniors—this bill needs more work. We've got to stop rushing things through. We need to do it correctly and not put our family members at risk.

Senator Lucido's first statement is as follows:

Colleagues, I can appreciate the hard work and the words allocated by the State Senators from the other side of the aisle. If you look at the amendment that's being offered, the Centers for Disease Control and Prevention guidelines must be followed. There is no reason or in rhyme that if a patient is too ill to be discharged from a hospital why they should not be admitted. In addition, if a patient has to be stated in a nursing home because of nursing care that they need, it is up to the doctor's orders, it's not up to us. We don't mandate what's going on in hospitals nor do we mandate what's going in in nursing care facilities. We leave that to the Department of Licensing and Regulatory Affairs and we leave that to the Department of Health and Human Services. In addition, you'll find that the policies that the guidelines need to be based on are the relevant, updated guidelines by the CDC. And therefore, let the experts do the expert policies and protocol, not us as legislators.

Senator Hertel's second statement is as follows:

Just to be clear, the CDC's guidelines—one, we have no control over. Two, only say that a doctor will be notified. It does not say that a doctor has the final say on whether someone can be transferred or not. That is not in the CDC guidelines, period. And for the previous speaker, with all due respect, when you say that we shouldn't be setting this policy, that's exactly what you're doing in this bill. We are saying directly in this legislation that nobody—not the doctor, not the family, not the resident, not LARA, not the CDC—anyone has any say whether that person can be in a nursing home any longer except for this body. We are making the medical decision here on the floor of the Michigan State Senate.

So to be clear again, if you do not want people who test positive to be placed in an ambulance without their families notice, without a doctor actually being involved in the decision, and transported to God knows where, you have to support this amendment. Period. If not, you are saying that the doctor has no say in this process. And that it is a legal requirement—not a request, a requirement—that they be removed from the nursing home. No timeline given in the bill by the way either. So they need to automatically immediately be removed regardless of what the doctor's actual recommendations are. It makes no sense. In fact under this bill if a doctor recommends they stay in the nursing home, they can't. So this requires us to violate the doctor's notice as well. The Michigan Senate doesn't have that power. It is a ridiculous read of the Constitution to think that we do. So again, I ask you to pass a very simple amendment that says that a doctor has the ability to review a patient and make sure they are okay to transfer. It is a reasonable request and I ask for a "yes" vote on my amendment.

Senator Santana's statement is as follows:

My amendment is simple. It requires the Department of Health and Human Services to work in consultation with the Department of Licensing and Regulatory Affairs in conducting the regional hub evaluation and developing a plan for safely cohorting residents. Given that LARA is the regulatory agency that licenses and inspects nursing homes, it only makes sense that they would also be at the table.

In hearings before the Senate Oversight Committee on executive orders related to nursing homes, both Director Gordon as well as Director Hawks commented on the collaborative nature of their relationship as it relates to improving conditions in nursing homes. While we have a long way to go as a state in addressing the safety of our nursing home population, the two departments have made several improvements to date as a result of this partnership, such as mandatory testing, a clearer executive order—Executive Order No. 2020-123—more robust collection of nursing home data, and increased compliance with case reporting. They should continue these collaborative efforts going forward.

I ask for your support.

Senator Brinks' statement is as follows:

My amendment would require that the department, as part of their plan, notify a resident, their family, or their representative if they are going to be transferred to another facility. This amendment would also give the resident and their family a say in the matter of which facility they are transferred to, and require that an appeals process be established for those residents.

Informed consent is an integral part of patient care. If a facility wants to transfer a patient, the patient and their family should be given the opportunity to make an informed decision about whether or not the transfer is in the best interest of their loved one. The patient and their loved ones should be given the chance to be apprised of all the risks facing the patient, including the risks attributed to a transfer as addressed in the Hertel amendment.

Let's also not forget that these facilities are the homes of these residents, and according to AARP, the Department of Health and Human Services, and the Department of Licensing and Regulatory Affairs, transfer trauma is a very real problem in the nursing home community. The idea of shipping residents to different facilities without their consent is frankly dehumanizing. It presents the potential to define a person simply by their COVID-19-positive status and it can have dangerous consequences.

For most of these patients, COVID-19 is not their only health issue. This is why they're in nursing homes to begin with. They need help—they need help with daily living, they need help with daily care, they have other emerging mental health and physical health issues, and those things need to be considered and they need to have family members and their caregivers consulted in any decision related to their care.

While I appreciate the intent of this legislation to put the health of nursing homes and residents first and to prevent unnecessary exposure to COVID-19 in healthy patients, we simply cannot do what this bill is attempting to do with wanton disregard for the health and well-being and the rights of these patients who do test positive for COVID-19.

I ask you to join me in supporting this common-sense amendment that protects the rights of nursing home residents.

Senator Lucido's second statement is as follows:

Members of this body, I've said it and I'll keep on saying it: that we have a CDC and we update those guidelines. I've had the privilege of having my daughter work in Atlanta, Georgia for the CDC and in addition she's now at the World Health Organization in Geneva, Switzerland. These policies are what these states are following—not just ours, but every one. And they are on a continuous rolling pattern as time goes on. And there's a reason we don't know much about COVID. That's why I supported Senator Santana's amendment because when LARA and MDHHS are working in tandem and in consideration of the licensee and the policies, the best outcomes will happen. I ask for your support on my amendment.

Senator Nesbitt's statement is as follows:

I rise today in strong support of Senate Bill No. 956. I rise to support the still-unknown number of Michigan families who have lost loved ones to COVID-19 in nursing homes and long-term care facilities here in this state unnecessarily.

Mr. President, our Governor, her administration, and some of my colleagues across the aisle insist that questions about the tragic policy of sending COVID-19-positive patients to nursing homes are somehow second-guessing. But it's their policy that sent them there, and we're getting blamed? It's ridiculous. The Department of Health and Human Services director brushed off questions by saying hindsight is 20/20. Our Governor said she wishes she had a time machine now that she knows more. Mr. President, nobody needed 20/20 hindsight or a DeLorean to go back in time to understand that COVID-19 preys on the elderly and those with pre-existing conditions. And where do a lot of elderly with pre-existing conditions live?

All they needed to do was read their mail. Just days after COVID-19 arrived in Michigan, nursing home experts here in Michigan warned our Governor against bringing recovering patients back to their facilities. She ignored them, and we still don't know how many paid the ultimate price because of these policies.

I pray for their families and I urge support for this bill to ensure it never happens again.

Senator Bayer's second statement is as follows:

I just want to say, as a person who is going through this my family is shredded right now as we're watching our mom and the damage to her—the trauma that she went through, this stuff that just happened to her without any notification—just all of a sudden yanked and moved somewhere else and not understanding what's going on and see her decay over the last few weeks, we don't have to do it this way. I do agree that we don't want to fix some things. Why don't we take the time to do it correctly? We don't have to hurt the people who are there. I know we need to fix some stuff, but come on. These are our families we're talking about. Let's take another minute and do this the right way. I urge you to vote "no."

Senator Lucido's third statement is as follows:

This bill is for the benefit of those who cannot be admitted into a hospital. These are the ones who don't meet the threshold for a hospital. Those individuals this bill is aimed to protect, it's both in nursing homes, we want to protect them too and we want to save lives. I wish they could speak for themselves, then they wouldn't need a legislator to speak for them here on the Senate floor. I truly wish that their families could do the speaking for them, but unfortunately they're barred from even visiting them face-to-face in a nursing home. So, our job today is to go ahead and do what we need to do as legislators and be proactive to a policy that has failed.

First of all, from the earliest days of this pandemic, we learned about the virus and the effects on the elderly. Nobody can deny that. Even before our Governor issued the executive order to put COVID-19 patients in the nursing home facilities, there were objections and warnings that were clearly made by all of us in here, especially the Health Care Association of Michigan which represents over 350 nursing homes and rehabilitation facilities in the state. If I'm going to take advice from somebody, I'm going to take advice from the people who actually are doing the jobs for those with boots on the ground in the nursing homes. Those are the individuals I care about. HCAM sent a letter to our Governor and her esteemed health care team on March 13, clearly asking the Governor to specifically locate COVID-19 positive nursing home patients in vacant or new facilities to prevent the spread of the virus in existing facilities. That advice should have been taken by our Governor and her entire team, but the Governor ignored the recommendations of the nursing home professionals and issued her executive orders anyway.

Now, for some yet-unknown reason, state officials made these decisions to bring COVID-19 patients into the facilities with disastrous results. I don't even know how to begin to tell you that as you consider the escalation of the numbers, no one took the time to say, stop, enough. Cease, desist. No, that didn't happen, but it happened in other states. They stopped it. Despite the inherent risk to the elderly population, the state gave these facilities an extra \$5,000 for each approved bed made available for COVID-19 patients, as well as \$200 per day for any of the occupied beds. We gave incentives. This was on top of the additional funding that the hubs received for patient care, then on top of that, we gave immunity from COVID-19-related lawsuits. I don't understand how these orders—because I don't see any science and data that can correct this.

Despite the risk to health and life, the state of Michigan went even further. They incentivized bringing COVID-19 patients into nursing homes. They sweetened the deal. Well, what happened? More than one-third of the Michigan COVID-19-related deaths occurred at the nursing homes, and to date I really don't even know if that's the number because we weren't provided with any science or data on those numbers. You know, the elderly are the most vulnerable people and in the nursing homes they go because they need to be nursed to care, to be taken care of. By the state's own admission, that's exactly what happened—the deaths were caused as a result of the spread of COVID-19.

Read the news. You'll hear the stories of so many families who have lost vulnerable, elderly loved ones because of the Governor's decision and apathy. We also heard similar stories from families during the committee testimony on this bill.

I can tell you this—as of today, I'm still appalled that this has happened

Senator Runestad's statement is as follows:

I just wanted to also rise and just relate some of the same concerns that the sponsor has with this deadly situation, this deadly disease, that was made by the Governor, and a real contrast to what occurred in Michigan is what occurred in the state of Florida.

Florida has about 150,000 nursing home patients; Michigan has about 38,000. So they have vastly more patients and what happened with the death rate in Florida versus Michigan? In Florida, they had 1,637 deaths; Michigan with way less patients—about one-fourth—had 1,947 deaths. On top of that, Florida counts other facilities like assisted living in their numbers. We don't. On top of that, the health department in Detroit said it's probably an undercount, our numbers, here in Michigan. We've had the toughest time even getting accurate numbers. So, Florida with a vastly-higher number of patients and a better count—a larger count including assisted living—had less deaths than the state of Michigan.

How did it happen? What did they do differently? They did just as Senator Lucido described. They had facilities set aside—either facilities that were closed or unutilized—and all the infected patients went to those facilities, so they were not putting infected patients in with non-affected patients like the state of Michigan did. It was a deadly decision here in the state of Michigan for our most vulnerably, infirm individuals here in the state of Michigan. The nursing homes in Michigan asked for this to be done and it was denied by the Governor.

This is a bill that absolutely has to be passed right now to save and help protect these seniors.

Senator McMorrow's statement is as follows:

I rise to speak on this bill, particularly in the wake of my colleague referencing Florida. As we look around at the COVID-19 situation in the state of Michigan, it's hard for some of us to remember what March felt like, when we saw photos of bodies piled up in hospitals in Detroit, and when we had stories from our residents about the devastating situations of losing family members. A friend of mine lost both of his parents over the past week and a half to COVID-19. It's jarring to me that we would hold Florida up as an example because right now, Michigan is leading the country in controlling the spread of COVID-19. Florida's cases are skyrocketing. This is a challenging situation, and I think we all need to take the time to work together to figure out how we protect the most vulnerable among us, but to call out a state like Florida as an example, I think, is reckless and dangerous.

By unanimous consent the Senate returned 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 McCann 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:

**House Bill No. 4217, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7333, 16221, 16221b, 16226, 17744, 17751, and 17754 (MCL 333.7333, 333.16221, 333.16221b, 333.16226, 333.17744, 333.17751, and 333.17754), section 7333 as amended by 2018 PA 34, sections 16221 and 16226 as amended by 2018 PA 463, section 16221b as added by 2017 PA 249, section 17744 as added by 2012 PA 209, section 17751 as amended by 2017 PA 165, and section 17754 as amended by 2014 PA 525, and by adding section 17754a.

Substitute (S-4)

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

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

**House Bill No. 4546, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 4 (MCL 388.1903 and 388.1904), section 3 as amended by 2012 PA 132 and section 4 as amended by 2012 PA 133.

Substitute (S-1)

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

1. Amend page 5, line 21, after "by" by striking out "his or her" and inserting "the".
2. Amend page 5, line 22, after "district" by inserting "or state approved nonpublic school in which he or she is enrolled".

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

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

**House Bill No. 4547, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 4 (MCL 388.513 and 388.514), section 3 as amended by 2018 PA 11 and section 4 as amended by 2012 PA 134.



Substitute (S-1)

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

1. Amend page 3, line 11, after “in” by striking out “a” and inserting “an eligible”.
2. Amend page 3, line 15, after “by” by striking out “his or her” and inserting “the”.
3. Amend page 3, line 16, after “district” by inserting “or state approved nonpublic school in which he or she is enrolled”.
4. Amend page 6, line 19, after the first “student” by inserting “and is not subject to the limitation described in the immediately preceding sentence”.
5. Amend page 6, line 20, after “by” by striking out “his or her” and inserting “the”.
6. Amend page 6, line 20, after “district” by inserting “or state approved nonpublic school in which he or she is enrolled”.

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

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:

**House Bill No. 4217**

**House Bill No. 4546**

**House Bill No. 4547**

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 4217**

**House Bill No. 4546**

**House Bill No. 4547**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4217, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17754 (MCL 333.17754), as amended by 2014 PA 525, and by adding section 17754a.

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. 230**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Bullock

**Not Voting—2**

Geiss

Santana

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.

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. 231****Yeas—37**

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

**Nays—0****Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4546, entitled**

A bill to amend 2000 PA 258, entitled “Career and technical preparation act,” by amending sections 3 and 4 (MCL 388.1903 and 388.1904), section 3 as amended by 2012 PA 132 and section 4 as amended by 2012 PA 133.

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. 232**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Bullock

**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 establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools, certain nonpublic schools, and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4547, entitled**

A bill to amend 1996 PA 160, entitled “Postsecondary enrollment options act,” by amending sections 3 and 4 (MCL 388.513 and 388.514), section 3 as amended by 2018 PA 11 and section 4 as amended by 2012 PA 134.

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. 233**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Bullock

**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 establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools, certain nonpublic schools, and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

**Recess**

Senator MacGregor moved that the Senate recess until 2:30 p.m.

The motion prevailed, the time being 12:35 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Gilchrist.

By unanimous consent the Senate returned to the order of  
**Messages from the Governor**

The following message from the Governor was received:

Date: June 24, 2020  
Time: 10:19 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 940 (Public Act No. 96), being**

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 7cc (MCL 211.7cc), as amended by 2018 PA 633.

(Filed with the Secretary of State on June 24, 2020, at 11:17 a.m.)

Respectfully,  
Gretchen Whitmer  
Governor

The following message from the Governor was received on June 24, 2020, and read:

EXECUTIVE ORDER  
No. 2020-131

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

**Rescission of Executive Order 2020-74**

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 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 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 June 18, 2020, I issued Executive Order 2020-127, 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.

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders limit in-person contact to the fullest extent possible. This includes social distancing and minimizing in-person work and interaction to only that which is strictly necessary. To that end, it is reasonable and necessary to provide limited and temporary relief from certain rules and requirements so as to enable and encourage the use of electronic signatures, remote notarizations, remote witness attestations and acknowledgments, and remote visitations. This will help ensure that necessary transactions and interactions may continue to occur during this time of crisis without unduly compromising the health and safety of this state and its residents.

Executive Order 2020-41 provided that relief, and Executive Order 2020-74 extended and expanded it. This order further extends that relief because it remains reasonable and necessary in light of the ongoing COVID-19 pandemic. With this order, Executive Order 2020-74 is rescinded.

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 July 31, 2020 the validity of a notarial commission that expired or is set to expire between March 1, 2020 and July 31, 2020.

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

13. As used in this order:

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

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

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

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

Date: June 24, 2020

Time: 1:18 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.

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 Committee Reports, be placed on the General Orders calendar for consideration today:

**House Bill No. 5761**

**House Bill No. 5810**

**Senate Bill No. 943**

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



By unanimous consent the Senate returned 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 McCann 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:

**House Bill No. 5761, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

Substitute (S-1)

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

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

**House Bill No. 5810, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 44f.

Substitute (S-1)

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

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

**Senate Bill No. 943, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

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.

**Recess**

Senator MacGregor moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 2:43 p.m.

2:48 p.m.

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

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

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

**House Bill No. 5761**

**House Bill No. 5810**

**Senate Bill No. 943**

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 5761**

**House Bill No. 5810**

**Senate Bill No. 943**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5761, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

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. 234**

**Yeas—33**

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

**Nays—4**

Ananich	Chang	Hertel	Hollier
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**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and

the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5810, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 44f.

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. 235**

**Yeas—33**

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

**Nays—4**

Ananich	Chang	Hertel	Hollier
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**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions

may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 943, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding sections 44e and 44f.

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. 236**

**Yeas—33**

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

**Nays—4**

Ananich	Chang	Hertel	Hollier
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**Excused—1**

Bullock

**Not Voting—0**

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators McMorrow, Polehanki, Moss, Hollier, Geiss and Brinks asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McMorrow's statement is as follows:

We are nearing the end of June. June is widely recognized as Pride Month, a month when we recognize and celebrate the members of the LGBTQ community. It has been disappointing to say the least that my colleague, Senator Jeremy Moss, has introduced a resolution to recognize June as Pride Month six years in a row and that that hasn't been adopted.

I want to share a story that a friend shared with me recently out of the state of Montana where my friends live and though he and his wife are a straight couple, they hung a pride flag on their house this year. He posted a picture and story of the note that was left on his house by somebody who said that as a queer resident in a community in a very conservative community in Montana, how moving it was to see a pride flag in their community and that for the first time in their life, this resident—not knowing my friends—felt welcome and seen. My friends responded and posted the picture online and said, if the person who posted this note sees this, you're welcome anytime for a beer. And that's how community starts.

By refusing to adopt this resolution for the sixth year in a row, it sends a message from the state of Michigan that you're not welcome and you're not seen. And as my colleague pointed out earlier, we recognize Craft Beer Week and Dairy Foods Day. We've even recognized private companies here in this chamber. We've recognized McDonald's and Biggby for their contributions to the state, but for six years running, we haven't recognized the thousands of members of the LGBTQ community who are Michiganders who are our friends and neighbors and family members who just want to feel seen and acknowledged and heard.

My hope before we leave here this week is that we will adopt this resolution and send the message to all of our friends and neighbors and family members—even those who we may not know are members of the LGBTQ community—that we see you and we love you and you are welcome.

Senator Polehanki's statement is as follows:

Today I have a greenback on my desk available for co-sponsorship. This concurrent resolution urges the United States Department of Education to waive the federal mandates for standardized tests for the 2020-2021 school year. Our resolution requests waivers for the M-STEP test given to students in grades K-8 and the 8th grade PSAT test. Last week Republican Governor Brian Kemp requested a similar waiver for the state of Georgia.

Standardized tests are already grueling and time-consuming. After a long hiatus of in-person instruction due to the COVID-19 pandemic, parents are yearning for their kids to have meaningful facetime with their teachers and as much precious in-person instructional time as possible in order to recapture lost learning and move forward to new learning. However, social distancing in schools may require mitigation strategies like staggered scheduling or significantly reduced capacity in testing rooms and computer labs. This will double or can even quadruple the amount of time needed to administer state or federally-mandated standardized tests.

Instead, schools need flexibility to serve the needs of students that a strict and onerous testing regimen does not allow for. The M-STEP is a federally-mandated summative test that captures student learning at one point in time. It does nothing to drive instruction and monitor progress in real time like a formative or benchmark test would do. And unfortunately connectivity issues and academic integrity issues make standardized testing from home currently untenable. Moreover, using test data for accountability purpose during the massive disruption that this pandemic has caused is unfair to students and educators.

Finally, in a time of budget uncertainty, the millions of tax dollars spent on standardized tests could be reprioritized to support the unique needs of students in this unprecedented time. I listened to the Speaker of the Michigan House tell a local news reporter yesterday

We need to empower our local school officials to make some of these decisions themselves. [W]hen we do that and allow for that local flexibility, that's when education will be at its finest; not when every answer and dictate is coming from Lansing. This may be a surprise, but government doesn't always have the answer, we need to trust our local officials.

I couldn't agree more with the Speaker that our local school officials need for us in Lansing to be flexible when it comes to state and federally mandated standardized tests during a pandemic and that's why I ask my colleagues to co-sponsor this resolution.

Senator Moss' statement is as follows:

I've got five more minutes this month to talk about this, and I'm begging for respect in the chamber here. I want to share a true story from this weekend that I'm still trying to digest. Like most of us, I've been finding respite from this health crisis in the many walks I've been taking around my neighborhood and this past

Sunday was no different. I think about if I had left my house five minutes sooner or five minutes later or if the walk had been five minutes longer or five minutes shorter, I would not have any incident to report but that's not what happened. Really, the timing was remarkable. As I was walking up the side of my home on my way back inside, a guy around my age was pushing a toddler in a stroller walking right in front of my house, talking loudly on his cell phone and right as I passed him to go up to my porch, he blasted the person he was talking to saying, 'I don't want your kids to be faggots.' And he repeated it again about those faggot kids.

Got your attention. There's a lot to unpack there. Am I a victim? No, not really. But am I aggrieved? Demoralized? Dehumanized? Yes. On my front lawn at my home in my neighborhood in my city which itself just declared LGBT Pride Month in the city for the first time. Moments like these, which every LGBTQ person experiences, present a fight-or-flight moment. We all know that if we defend ourselves against this type of language, the grievance will always be flipped—it's going to be us who are shoving homosexuality in their face. And if we confront hateful language, we do face the very real risk of being victims of hateful actions.

So I didn't do anything, and I've been sick in torture about it for three days. I think about the kids. I have no idea what the other end of the phone call was about, but these kids have been disparaged by an adult, that being gay is a bad thing, so bad that they should be slurred for it. I feel bad for the toddler in the stroller who has had no concept of what's going on, but is being exposed to homophobia right from the very beginning. This is a learned behavior, a learned behavior that this Senate refuses to take a stand on. I wasn't able to confront this man, but I will use this platform to confront this institution.

I think about my first personal experience of the Legislature promoting homophobia. I was a legislative staffer in the House in 2011. The Civil Service Commission had just granted same-sex partner benefits to state employees and the Republican majority in the House quickly moved to strip the commission of its authority. Many of you were there. One of the speeches on the floor is seared into my memory nine years later. A Republican House member gave long remarks that blasted the decision as attacking children. The infant mortality rate was infused into his speech. I was 24 years old and that House member, along with the vote of the House, sent a message that people like me were harming kids, never mind the fact that homophobic neighbors that exist both now and then are harming kids. I still carry that moment with me, how damaging it was to our community for the Michigan Legislature to send that message. I vowed then and there to make sure that our community had a voice in this institution, and interestingly enough here I am now serving with that Republican House member in this body today.

And I will continue to push, just as I push every year, to declare June as LGBTQ Pride Month and every year it's rejected. Rejecting these resolutions is not just the absence of recognition, it is an intentional act of injustice. We have one more session day this month to declare June 2020 as LGBTQ Pride Month. There's no way to retroactively do it after tomorrow. It's done; it's gone. I've spent this month talking about my community's history of struggle, our value to the state of Michigan, and our progress as we gain acceptance. If this resolution does not pass, accept the fact—because I will—that you intentionally reject it and sanction this type of behavior on my lawn and in neighborhoods across the state for yet one more year. Don't be silent. Pass Senate Resolution No. 123.

Senator Hollier's statement is as follows:

Colleagues, I just wanted to speak in support of my dear friend Senator Moss because he called me this week and said he was reminded to speak and encouraged to do so after I recounted a time when I was confronted by racism as an adult. And I thought about my own role in this thing and my role as a father and my role as a person and said I grew up doing the wrong thing. Too often people like me stand and talk about what we should be doing better but we fail to talk about what we've done wrong. I grew up wrong. When I grew up, it was perfectly acceptable as little kids instead of saying something was bad or not cool, to call it gay. I was a college student before I realized the error of my ways. But I learned and I think the people in this chamber are generally good people who want to do the right thing and want to take care of our constituents and the residents of Michigan.

As my colleague told me this story—this heartfelt story about how he was feeling—he was like should he talk about it, how do you talk about it. How do you say this is a problem without making people feel like you're saying you're the problem. I can say I'm the problem. I don't have to say you are. I am the problem in this regard because I'm not stepping up to make sure that Jeremy doesn't have to—that we don't have to have people stepping up to say that it's unacceptable to go off on each other. I'm raising a child and, God willing, another one soon. As we talk about those kinds of things, we talk about what are we sewing into our children. What are we raising? What are we doing? And this week—tomorrow—we have an opportunity to say that we see you. I can't tell you how much that means to me. I had a conversation with one of my colleagues who I share military service with and when I told him how much it meant to me that he was

willing to talk about Juneteenth on the Senate floor and that he was probably the first Republican in the Senate to ever talk about what freedom meant for Black people in the South post slavery in this chamber, it meant a lot. And so I know resolutions don't seem like a lot when they do not affect your community. But sometimes they do and they mean so much to people who have never gotten this kind of thing.

One of my daughter's daycare instructors watches Facebook Lives and he's like 'Man, I really appreciate you talking about this.' This is someone who takes care of my daughter on a daily basis and I had no idea he was a member of the LGBTQ community. But that day he heard me talking about it, he felt seen. He felt taken care of. He felt appreciated. And I know that's what we're all here to do. We're all here to make sure that the people we see are taken care of. That we take care of them. And this is an opportunity to say to one of our colleagues, 'I see you. I care about you and I want to make sure that you're valued in this community.' That's all it is. It doesn't change how you feel politically. It doesn't change many other things. It says we see you and we value you. And I hope that you all will be able to do that. Because I know how much it meant to me when you did the same thing talking about Juneteenth. I know how much it means to my constituents and to my community when we come together as a body and say, 'I see you. I value you and I respect who you are as a person.' We don't have to caveat it with, 'I agree or disagree with your life decisions.' We don't have to caveat it with so many other things. All we have to do is say, 'I value you.'

And so, Senator Moss, I value you and I know many of the members in this body do as well. And whether we pass a resolution or not, I wanted to be on the record that we value you. That we hear, we see, and we continue to support the work that you're doing. And as long as I'm here, I will continue to stand with you on this regard, because as a cis-gender, heterosexual man that's Black, it's very rare that I am in the position of power; that I am not in that space. And in every moment that I have to do so, I will do the same. And I think that that's what being a legislator is about. It's about recognizing the positions that you have power over and doing everything you can to take care of the people who don't

Senator Geiss' statement is as follows:

It's really sad that we are at this moment here and I really feel the connection and the intersectionality between the issues that Senator Moss is addressing, the long-term denial of recognizing LGBTQ Month in the state of Michigan.

I feel that in the same way that I feel the denial of this body to address the incident that happened two months ago today. I want to reiterate what Jeremy said. Moments like these that every LGBTQ person experiences present a flight-or-fight moment—if we defend ourselves, it will be us who are shoving homosexuality in their face; if we confront hateful language, we face a risk of being a victim of hateful actions. I'm repeating that verbatim because I want that to resonate. I want everyone to understand that when it comes to issues of civil rights and human rights, we are in lockstep with one another because—as I've experienced in this body and some of us others have experienced in this body—the exact same thing can be said when we bring up issues of racism.

When we bring up issues of racism and needing to address systemic, institutional racism, we are then called the racists. When we want to bring up the issues of the injustices of people who have been denied justice, of people who have been ignored, we get significant pushback, which is so sad in this body where we are charged to serve all the people of Michigan. It's a slap in the face when we who bring up issues of injustices continue to be ignored and denied. It is so disrespectful. It's an intentional denial of people's human rights and civil rights, the very things that we are charged with upholding of members of this body, a body that allegedly serves everybody, not just the ones who look like you or worship like you or love like you.

We have an opportunity right here, right now, to do the right thing on many fronts, seek our inner angels, and take up this resolution.

Senator Brinks' statement is as follows:

I will keep it very brief and keep it very simple. You've heard moving stories and anecdotes from my colleagues here today, particularly Senator Moss. I've been in this Legislature just a couple of years longer than him and had a similar experience of watching as this resolution gets introduced and referred to a committee never to be seen again.

So, I rise today just to express my support for Senator Moss and his bravery in continuing to bring this before an unreceptive body of colleagues with whom we all have to work every day and with whom we establish friendships and relationships and hopefully are able to do some good work to serve the people of Michigan.

I am expressing my support not just for him as my friend here today but also because we all have family members, neighbors, loved ones, community members, and constituents who are members of the LGBTQ community and it is our responsibility to ensure that every single Michigander is respected and every single Michigander has the basic human rights that we expect to be afforded ourselves by our fellow citizens.

I guess I just want to urge each of you to think about what you can do to ensure that every single person in Michigan is valued and respected and treated with dignity and the integrity of this body in assuring them of that.

It is a very simple ask that we put before you today and that Senator Moss is requesting of us—to move this resolution. We’re not asking you to pay for anything, we’re not asking you to change the laws, we’re asking you simply to say that this community has value and it is important and that we are willing to stand up for them. I urge you to bring up Senate Resolution No. 123 and to pass it.

### Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 23 for her approval the following bill:

**Enrolled Senate Bill No. 690 at 12:17 p.m.**

The Secretary announced that the following bills and resolutions were printed and filed on Tuesday, June 23, and are available on the Michigan Legislature website:

**Senate Bill Nos. 979 980 981**

**Senate Concurrent Resolution No. 28**

**Senate Resolution No. 128**

**House Bills Nos. 5876 5877 5878 5879 5880 5881 5882 5883 5884 5885 5886 5887 5888  
5889 5890 5891 5892 5893 5894 5895 5896 5897 5898**

### Committee Reports

The Committee on Regulatory Reform reported

**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.

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

**Senate Bill No. 897, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 536 (MCL 436.1536), as amended by 2019 PA 131.

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. 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.



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.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, June 23, 2020, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Appropriations reported

**Senate Bill No. 943, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

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

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

Jim Stamas  
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Runestad, Schmidt and Victory

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 5761, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78a (MCL 211.78a), as amended by 2014 PA 499, and by adding section 44e.

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

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

Jim Stamas  
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Runestad, Schmidt and Victory

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 5810, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 44f.

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

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

Jim Stamas  
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Runestad, Schmidt and Victory

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 Appropriations submitted the following:

Meeting held on Wednesday, June 24, 2020, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Stamas (C), Bumstead, Barrett, Bizon, LaSata, MacDonald, MacGregor, Nesbitt, Outman, Runestad, Schmidt, Victory, Hertel, Bayer, Hollier, Irwin, McCann and Santana

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, June 23, 2020, at 12:00 noon, Room 403, 4th Floor, Capitol Building  
Present: Senators Theis (C), Horn, Bumstead, Runestad, Daley, Polehanki and Geiss

#### COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Joint meeting held on Tuesday, June 23, 2020, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Lauwers (C), Horn, LaSata, Nesbitt, Barrett, Bumstead, Outman, McCann, Brinks and McMorrow

#### COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:

Joint meeting held on Tuesday, June 23, 2020, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

#### COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, June 23, 2020, at 2:00 p.m., Room 403, 4th Floor, Capitol Building  
Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

#### Scheduled Meetings

**Advice and Consent** - Thursday, June 25, 12:00 noon, Room 403, 4th Floor, Capitol Building (517) 373-5312

**Agriculture** - Thursday, June 25, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

**Energy and Technology** - Wednesday, July 22, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721

**Government Operations** - Thursday, June 25, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

**Local Government** - Thursday, June 25, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5314

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 3:19 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, June 25, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

