

No. 36  
STATE OF MICHIGAN  
**Journal of the Senate**  
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**REGULAR SESSION OF 2020**

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Senate Chamber, Lansing, Thursday, April 30, 2020.

10:00 a.m.

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

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

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

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

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

Senator Curtis VanderWall of the 35th District offered the following invocation:

Father, we come to You today to ask that You give Your blessing to this chamber. We ask that You are with us, You guide us, and You give us clear direction.

We ask that You are with our leaders—we think especially now our Governor, our Majority Leader, and our Speaker. We ask that You are with them, and that they can talk freely and do the work of the people. We ask that You are with this chamber, that we listen, that we use Your words to guide us on what we should do for the state, what we should do to make it better, make it a place where we can raise a family, make it a place where we can have jobs and the opportunity to own a business. We pray for our President. We pray for his staff. We pray for those who lead in Washington. We ask that You give them direction also.

We think now of those who have lost loved ones, those who are battling illness. We ask that You are with us, that we can surround them. We ask that Your healing hand is placed upon them. We continue to pray for those who are just struggling on “What do I do with my business? What do I do with my employees? How do I help this person who is struggling with mental illness? How do I reach out to my parent, my family member?” We ask that You are with everybody as they do Your work. We pray now that as we get ready to start this day, that You are with us. We ask that You help us keep our attitudes straight and our minds clear. We ask that You just bless this day.

I do want to finish my prayer today with one of my favorite Scriptures—Philippians 4:6—“Do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God.”

I pray now that You bless this day, for Jesus’ sake. Amen.

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

### **Motions and Communications**

Senator McMorrow moved that Senators Chang, Ananich, Geiss, Bayer, Hollier and Santana be temporarily excused from today’s session.

The motion prevailed.

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

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

### **Recess**

Senator MacGregor moved that the Senate recess until 12:30 p.m.

The motion prevailed, the time being 10:05 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Nesbitt.

During the recess, Senators Santana, Ananich and Bayer entered the Senate Chamber.

### **Recess**

Senator MacGregor moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 12:31 p.m.

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

During the recess, Senators Chang and Geiss entered the Senate Chamber.

The following communications were received:  
Office of Senator Lana Theis

April 30, 2020

Please add my name as a cosponsor to SCR #25.

April 30, 2020

Please add my name as co-sponsor to SB 857 and SB 858.

April 30, 2020

Please add my name as a co-sponsor for SR 114.

Lana Theis

The communications were referred to the Secretary for record.

The following communication was received:  
Office of Senator Jon Bumstead

April 30, 2020

Please add my name as a cosponsor to Senate Bills 857 and 858.  
Thank you.

Jon Bumstead

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Dale W. Zorn

April 30, 2020

Please add my name as co-sponsor to Senate Bills 857 and 858.  
Thank you.

Dale W. Zorn

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Roger Victory

April 30, 2020

Please add my name for co-sponsorship to bill 857 and 858.

Roger Victory

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Rick Outman

April 30, 2020

Please add my name as cosponsor to Senate Bill 857 & 858.

Rick Outman

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator John Bizon, M.D.

April 30, 2020

Please add me as co-sponsor to SB 858. Thank you.

John Bizon

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Peter MacGregor

April 30, 2020

Please accept this writing as my request to be added as a sponsor to Senate Bill Number 858. Thank you.

Sincerely,  
Peter MacGregor  
Michigan Senate – 28th District

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Victory introduced

**Senate Bill No. 900, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

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

Senator Stamas introduced

**Senate Bill No. 901, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78g (MCL 211.78g), as amended by 2020 PA 33, and by adding section 78t.

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

Senator Moss introduced

**Senate Bill No. 902, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307c.

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

Senator Moss introduced

**Senate Bill No. 903, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," (MCL 28.291 to 28.300) by adding section 2a.

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

Senator Moss introduced

**Senate Bill No. 904, entitled**

A bill to amend 2008 PA 23, entitled "Enhanced driver license and enhanced official state personal identification card act," (MCL 28.301 to 28.308) by adding section 5a.

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

Senator Hollier entered the Senate Chamber.

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

**Senate Bill No. 905, entitled**

A bill to amend 1905 PA 80, entitled "An act to authorize and empower certain state departments, and the board of control, board of trustees or governing board of certain state institutions, or the governing body of a municipal corporation, to make, prescribe and enforce rules and regulations for the care, order and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof; to prescribe penalties for a violation thereof and to repeal all acts or parts of acts inconsistent with the provisions of this act," (MCL 19.141 to 19.145) by amending the title and by adding section 2a.

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

Senators Hertel, Chang, Geiss, Alexander, Bayer, Polehanki, McMorrow, Ananich, Brinks, Moss and Bullock introduced

**Senate Bill No. 906, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 2014 PA 515.

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

**House Bill No. 5704, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20191 (MCL 333.20191), as amended by 2010 PA 119.

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

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

By unanimous consent the Senate returned to the order of

**Messages from the Governor**

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

**EXECUTIVE ORDER**

No. 2020-64

**Affirming anti-discrimination policies and requiring certain health care providers to develop equitable access to care protocols**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine 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, MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 *et seq.*

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the 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.

The Emergency Management Act 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). Similarly, the Emergency Powers of the Governor Act of 1945 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).

The measures put in place by my executive orders have been effective in slowing the spread of COVID-19, but this virus is both aggressive and persistent: as of April 28, 2020, Michigan has reported 39,262 confirmed cases of COVID-19 and 3,567 deaths from it. Despite our efforts, the virus has the potential to overwhelm health care system capacity and require providers to make challenging decisions regarding how care is delivered.

Michigan has one of the finest health care systems in the country, and our medical professionals are performing heroically under trying circumstances. Our hospitals already consult with medical ethicists to make decisions that respect civil rights and uphold the essential duties of medicine in moments when demand for critical medical resources exceeds supply. Nevertheless, the unprecedented challenges posed by this pandemic have created a heightened need for clear, transparent protocols based on a common understanding of core values, including equitable access to care. I therefore find it reasonable and necessary to affirm anti-discrimination policies and establish procedures that ensure the equitable allocation of medical resources.

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

1. It is the public policy of this state that no person should be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative “worth,” including judgments about a person’s worth based on the presence or absence of disabilities.

2. Health care providers shall take all necessary steps to ensure non-discrimination based on the characteristics described in section 4(a) in the delivery of critical care and allocation of other medical resources to those in need of treatment for physical and psychiatric illnesses.

3. Health care providers shall continue to support individuals’ functional needs to the fullest extent possible. For purposes of this order, “functional needs” includes the needs for independence, communication, transportation, supervision, and medical care. When effective communication requires that a sign language interpreter be present, a sign language interpreter must be permitted to be present, and provided with appropriate PPE.

4. Designated health care facilities shall develop protocols that guide decision-making for medical care in cases where demand for critical medical resources exceeds availability, during the COVID-19 pandemic. Such protocols must enable clinical decision-making based on the best available objective medical evidence, including an individualized assessment of how each patient will respond to treatment. These protocols must also:

(a) Prohibit medical decision-making based on social stigma or stereotypes regarding age, color, criminal history, disability, ethnicity, familial status, gender identity, height, homelessness, immigration status, incarceration status, marital status, mental illness, national origin, poverty, race, religion, sex, sexual orientation, socio-economic status, substance abuse disorder, use of government resources, veteran status, or weight.

(b) Provide for coordinating and sharing information with DHHS regarding resource availability and transfer availability.

(c) Ensure that withholding or delaying care due to lack of critical resources is always a last resort.

(d) Require the protocols to be available upon request, and, whenever the protocols are in effect, posted on the internet.

5. For purposes of this order, a “designated health care facility” means a hospital or an entity used as surge capacity by one or more hospitals.

6. DHHS may issue orders and directives to implement this order.

7. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

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

Date: April 29, 2020

Time: 5:00 p.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

**Recess**

Senator MacGregor moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 1:34 p.m.

5:50 p.m.

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

By unanimous consent the Senate proceeded to the order of

**Messages from the House**

**Senate Bill No. 858, entitled**

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,  
Senator MacGregor moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 135****Yeas—22**

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

**Nays—16**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

On which motion Senator MacGregor requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members not voting therefor, as follows:

**Roll Call No. 136****Yeas—22**

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

**Nays—16**

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

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the full title.

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

**Protests**

Senators Ananich, Bayer, Santana, Moss, McMorrow, Brinks, Bullock, Wojno, Geiss, Chang, Alexander, McCann, Hollier and Irwin, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 858.

Senators Ananich, Hollier, Irwin, Bayer and McMorrow moved that the statements they made during the discussion of the substitute be printed as their reasons for voting “no.”

The motion prevailed.

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

I’ve never seen a bill quite like this one. It’s hard to list all the unconstitutional provisions, but I’ll try.

The majority took a simple, single-section bill that did one thing, and morphed it into a monstrosity that attempts to hold 28 executive orders within it. They adopted those orders by reference when our Constitution requires each bill specifically restate the language of the law and the changes to it. Then, they amend the very orders that they just incorporated by reference.

Along the way, the original purpose of the bill was removed, something else our Founders would object to. Our Founders wanted the citizens to have five days in each chamber for the consideration of each change, and made several provisions in the Constitution to provide that notice to the citizens. They didn’t want this to happen—where a simple bill becomes what they call a vehicle bill to hold almost the entirety of the COVID-19 response in it.

Perhaps even more concerning is what this bill means in practice—your bosses wouldn’t even have to provide personal protective equipment to protect you, and since you can be required to go back to work, you will basically be forced to work without protection.

I’d like everyone to recall the long-ago month of March, when people were working together, before politics entered into the equation, when the Speaker said the Governor was in the best position to help us through this. To say the Legislature doesn’t have input is false. We are constantly telling the Governor what to do. But unfortunately what this bill shows is not an effort to help or consult. It’s to take over, and that’s not going to happen.

If we really want to help protect the health of our people, we have a chance to do that. Instead, we’re forcing people back to work without any assurance of PPE. I believe we can do better than that.

Senator Hollier’s statement, in which Senator Geiss concurred, is as follows:

This bill came out of our chamber with one goal—to decrease the number of days the Governor could declare an emergency from 28 to 14. Now the House has returned this bill, gone back to the 28 days, which I appreciate, but has tried to amend via reference 27 executive orders, something that is unheard of in this chamber. This bill is being done because the Legislature does not have the nimbleness necessary to follow the Constitution or the longstanding rules about amendments by reference in order to be able to respond in a crisis.

There is no question that we are in an emergency. The city of Detroit alone has 9,038 confirmed cases and 1,036 deaths. There is no question whether or not an emergency exists or whether it should be expanded today. Almost a quarter of the state’s total cases are from Detroit with just about a third of all deaths. And yes, that means that Detroit has been hit hard. It also says that Detroit is one of the few communities in this state that has any significant testing. I wish I could say it was adequate because nowhere in this country do we have adequate testing.



Continuing the disaster declaration should not be political or controversial. It's a simple matter of listening to facts. Here are the facts to date. There are 1.26 million people who have applied for unemployment to this point, not to mention the thousands still attempting to get processed. The Unemployment Insurance Agency has disbursed more than \$2.8 billion to Michigan residents. That includes 400,000 who have applied for the pandemic unemployment assistance. They're 1099, gig workers, self-employed, and low-income wage earners. Essential workers and first responders have shown increased infection rates of this deadly virus. Food banks are overtaxed. Even essential industries can't keep employees coming to work to do these jobs because of the danger. The economy is not going to open up again tomorrow because we want it to. People have to feel safe and have to actually be safe, which requires personal protective equipment.

This bill fails to extend the Governor's order and will pass on partisan lines. To my colleagues who have pushed for a regional approach, why don't you tell only your residents that they don't need expanded unemployment coverage? Why don't you tell only your residents that they need not seek emergency crop loans? Why not tell your local communities that there is no emergency and that the local health departments can handle this pandemic? Why not tell your hospitals that the state's PPE stores are unavailable to them because there is no emergency, and therefore they do not need them? Why not tell your first responders that they don't need the additional support available to them from FEMA during a disaster? Why not tell your communities they are safe and don't need to wear a mask? Why not tell your local schools to open back up? Why not tell residents that there is no reason to worry? Why not tell them that they need state testing resources because things are normal?

Because that's not the reality in southeast Michigan, it's not the reality in Detroit, and it's not the reality in the state of Michigan where we have 41,379 cases with 3,789 deaths. This bill should extend the emergency declaration to protect Michigan residents, not appease protesters and anti-vaccinators who believe that COVID-19 is a product of the liberal media and not a pandemic raging through our state.

Last week we were called into an emergency session under emergency rules of this chamber to pass this legislation because the majority felt like it was so critically important to decrease the number of days that the Governor had to declare an emergency, and here we are in an emergency saying no, no need to continue on. Let's just go back to normal. Today we are talking about opening Michigan back; saying "hey, just go back to normal" is what's being asked of us to do, because you can't amend executive orders by reference. You can't do what any of this is happening. This is just a political stunt. This bill is unacceptable and unconstitutional. We cannot demand things of the Governor. We cannot tell her through our intent that this is what we want to do when we are not given the constitutional authority to do so. Last week, there was all the discussions about tyranny and co-equal branches of government. The Legislature is responsible for doing a few things—passing legislation, providing oversight, and managing the budget. That's not what we're doing here. Today the Legislature is overreaching and that's unacceptable.

Let's do the legislative work that involves committees that are designed to take testimony, to negotiate, to talk, and to work through these issues, because that's what you do. Not through talking points or vague extensions. But, you got some of the things you wanted. You can now do all the cold-weather, leafy greens and root vegetables because, you know, we're in Zone 5; or for my Yoopers who are in Zone 4, coming in right after Mother's Day, it'll be good to grow. But right now, we're still getting plenty of frost. The restrictions on golf courses have been lifted because February and March are apparently prime golf seasons. I get it. Everyone is frustrated and wants to see cranes in the air and construction continuing, and those changes were adopted. Negotiations happened. We were heard; you were heard. But, we'll be back again here Tuesday, Wednesday, and Thursday spreading unnecessary exposure to do things that don't need to be done because the real work that needs to be done is obviously not happening in this chamber.

But there are no counties in this state that are not experiencing an emergency—not one. Not according to any medical professionals who we should be listening to. The people who should be leading the decision on how we open up and what is required are people who are, again, medical professionals. ICU beds are critically-important infrastructure. This discussion, and we've talked and talked and talked about the infrastructure necessary to have them, but none of that is covered here. None of those things are being affected.

I ask you to vote "no" on this. I ask you to think about the impact of these decisions and to extend the Governor's emergency declaration. That's what we need to be doing.

Senator Irwin's statement is as follows:

I'm going to be brief because there is little I can add to the excellent speeches that the prior members gave.

This is an unconstitutional piece of political tripe and I think you all know about the subject-object clause. I think you all know that you can't just sub in a whole bunch of different content without actually explaining it in the bill. I think you know that, but of course we're here for the politics, not the policy.

I don't want to go on too long but I do want to point out a couple of especially weak parts about this piece of legislation. One is, as was mentioned earlier, one of the things you're doing here is you're trying to pull forward a number of these executive orders and codify them temporarily, which is a bizarre approach in the first place. This is why we have emergency declarations. This is why we have a Governor.

But I'd like to point out that you didn't, of course, continue all of the executive orders. There's a number of them that you left out. I think the ones you left out tip the hand as to the strategy and the goals of the majority in this case. One of the executive orders that you didn't continue was the executive order creating the Racial Disparities Task Force. I don't understand what the majority's problem is with the racial majority task force, but I think that work needs to go on.

Another one of the executive orders that the majority saw fit to not include was the small wage increase for direct care workers I spoke about last week. These are people providing critical care to our elderly and our disabled citizens. They're doing it at great risk to themselves and their families for almost nothing. The Governor offered them a small heroes pay increase, and now you're trying to take it away.

Finally, if you look on page 4, section (c), a slap in the face to every one of the employees here in the state of Michigan. You're calling for personal protective equipment to be available but it's really only necessary if it's subject to the availability of that equipment. So, I suppose if employers don't want to or if they can't find the proper equipment at Speedway, it's ok to force those employees back to work, and if they don't want to go back to work, it's ok to take their unemployment pay away from them, their families, and their children.

That's what this does. Hopefully the courts will look at it like I do.

Senator Bayer's statement is as follows:

Mr. President, I rise today to give my "no" vote explanation to try to get back to the purpose of this part of the agenda.

We are supposed to be here working to support and protect the families and residents of this state, and instead we're making noise, just for publicity purposes.

Instead of letting our Governor do her job, the majority party is doing everything they can to strip her of her legal powers. In case you didn't have a chance to read what the 1945 Emergency Powers Act says, it says this: "During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state"—and yes, a global pandemic does fit that description during this time

the governor may proclaim a state of emergency and designate the area involved. After making the proclamation or declaration, 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.

Our entire state—both peninsulas—is the affected area. Mr. President, our Governor is doing her job as described by law in our Constitution. She is working diligently to protect our lives and has proven her capability to do that. She is working with medical experts, public health experts, workforce development experts, using data to make rational, science-based decisions.

And some of you know that I am a data scientist. I have spent most of my life working with data, science, and logic to make rational decisions. This is not about belief. I am appalled at the lack of rationality here—the lack of logic—and even truly a lack of compassion in these actions and in this bill. It's not based on data, but based on politics.

Mr. President I deeply hope the majority party will examine their motives, do the right thing, and vote "no."

Senator McMorrow's statement is as follows:

Similarly, I had not planned on speaking, however I'd like to provide my "no" vote explanation on this bill because I don't believe it's the right solution.

I have heard many of my colleagues say that we are coequal branches of this government and we need to be a part of this conversation, and I have been the most vocal advocate for exactly that. More than a month ago I penned an op-ed that said in times of all states of emergency, we need to put contingency plans in place so that the Legislature can continue to meet remotely for session and committee meetings so that we can continue to have that conversation; so that we can continue to work on the budget and craft legislation, because there is nothing during a state of emergency that prevents us from doing any of that work.

If there's a better solution, drop a bill. But there has been no interest from some of my colleagues in taking that up, so I introduced a joint resolution a couple of sessions ago to allow for that; to allow that in any declared state of emergency—whether it is this pandemic, another polar vortex, anything that physically prevents us from being in this building—that we can continue to serve our constituents no matter what.

But that was immediately referred to Government Operations and I highly doubt it will be taken up. So unless we are serious about putting plans in place to always be there for the constituents that we serve, it just feels like political grandstanding.

Senators Theis, McBroom and Horn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Theis' statement is as follows:

I agree with my colleagues—we are in an urgent situation. No one here is saying that COVID isn't dangerous. And I am very grateful that they're mentioning the Constitution. I agree, the Constitution is something we need to consider. Our Founding Fathers set us on a course of action hundreds of years ago. Article IV, Section 4 of the U.S. Constitution requires a republican form of government—one that understands the balance of powers between the executive, legislative, and judicial, not just when times are good; not just when the Governor wants to let us. Frankly, it doesn't add stipulations like that. The United States "shall guarantee to every State in this Union a Republican Form of Government." Not a monarchy, not a dictatorship, not ruled by an executive, but a true separation of powers.

I've listened to our Governor state again and again how she's not giving up any of her power. I hope the citizens of Michigan realize what she's really saying. She's saying she is refusing to listen to them, her citizens. She's saying she's will not listen to their voices during this time of crisis because she knows better for them than they do what's good for them. We are their voices. We agree that there is an urgent need for immediate action from the legislative voices here. We agree on this legislation—we need to take care of it. We're taking care of it with this legislation. With immediate effect the people of Michigan who are made vulnerable by this crisis and will be protected by these executive orders—the ones that are good—can continue to have that protection with this legislation.

So I'm asking for your support on this legislation, and I'm asking for immediate effect.

Senator McBroom's statement is as follows:

You know I represent an area of the state that is bigger than five other states in the country. I find myself really, pretty convinced that if the tables were turned today, and the Upper Peninsula was suffering from this epidemic to the extent that my good colleagues who've spoken earlier are experiencing where they are representing, and their area was going through what the U.P. is going through right now, you guys would have burned the bridge down already. You would have told us, "You know what Ed, get that statehood resolution out here. We need a divorce. We need to get rid of the U.P., because we can't be held back by your problems." One of the speakers earlier said this emergency is everywhere. I have five counties that don't have a single case. I have hospitals that are not going to make it, and are sitting there empty, getting the slow roll.

I've come down here the last two weeks after spending the previous six weeks attempting to do my job, as the un-official constituents relationship person for the administration and find my input is not welcome, is not utilized, and while a plan comes out this week that says, "Hey we'll probably do some regionalization," it is a little hard to take when not a single person from the Upper Peninsula was on that study group. Not a doctor, not a business owner, not a citizen, not a farmer, they didn't even invite a wolf to be on the thing. So, excuse me for coming here and saying, you know what, I've been holding my hand out for weeks, I've got citizens who are desperate, I have citizens who are literally watching their life's work be devastated while they watch family members suffering, while they watch beloved employees commit suicide. They watch their families being broken up and then being denied the opportunity to go out on the lake, or go to their camp that they drive by because it's actually closer to their essential work than their home is. They are frustrated. They want a voice.

We need to move forward with recognizing the diversity of the state. We need to move forward in a transitional type method. I have supported the Governor's actions in the beginning of this, and many of them to this point still, but where is the recognition of the distinct differences? Where is the aggressive approach that says, "This area needs to, and can, move forward"? My hospitals are begging for that. Give us the opportunity to manage this. We can monitor, we can watch, we can walk back if we need to. My counties are begging for the opportunity to take some initiative. We are failing to even attempt to document the deaths that are occurring around this area, around this state, that are happening because hospitals and doctors are discouraging people from coming in, trying to help them to avoid exposure. We're not keeping track of that. The Upper Peninsula has had 20 to 25 deaths due to the flu. Meanwhile, we've had 13 deaths due to COVID. I'm supporting this because we need to do something to move forward. We need to actively pursue a change, a transition toward what the state can become. I've tried to get there through other means, and those means have been slapped back. So I will support this resolution and hope that we can continue to do better.

Senator Horn's statement is as follows:

I wasn't going to stand up to speak. For those Michiganders—the people we serve—who truly believe that the Governor was acting with pure, nonpolitical motives through this crisis, they should know that on Thursday the Governor revealed her hand in her press conference.

I've told you that we're all in this together and I meant it. But the Governor has insulted, demeaned, and ignored this Legislature. She has demonstrated a hunger for power. In her campaign she promised she could work across the aisle because she was a former legislator. For a year-and-a-half, again and again, the peoples' branch of government has been summarily dismissed. Now every executive order and extension of the emergency should be eyed with a new skepticism. After the spiteful vetoes of 2019, her use of the State Administrative Board and the double finger that she gave to this coequal branch, the Governor has a long way to go to regain the trust of the people.

Michigan deserves an explanation. Michigan deserves an apology. Michigan deserves a voice, and we are that voice.

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

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

The motion prevailed.

Senator Bullock's statement is as follows:

I just rise to speak about the spirit. Politics aside, the poli-tricks of the day, and last week, I had written this long statement and long thing about emotion, and about my view of hope. I was going to talk about the past month and the massive loss of life in my metro Detroit. And, as of Monday, I lost my 27th person who's passed away from the COVID-19 virus. This invisible threat has devastated my community, magnifying disparities of health care and the historical policies of racism. Yet, and still, I'm a hopeful person.

I believe in people and many people, thousands of people, have tested positive and gone home. Healthcare folks have done their due diligence, but I also stand on the three tenets that have gotten me to where I am today: Being physically fit, mentally awake, and morally straight, and how my imperfect path has led me to this chamber.

My village elder, William C. Gary, he is a person I emulate. Before he passed on, he instilled in me the measures to navigate the world of racism, insensitive offenses, and to hold myself with respect, manhood to continue to uplift the community and having courage to stand up for what's right.

I operate on a simple moral value system—integrity, civility with dignity. In my short time here in Lansing though, there has been far too many unfortunate incidents of disrespect and insensitivity. But what's even more hurtful to my spirit is the overall acceptance condoning injustice of these transgressions without impunity or apology. Two of my colleagues spoke eloquently yesterday about the recent incident right here in this chamber. They spoke about the pain and—black people have PTSD and this is from a lot of things—so no one wants to acknowledge or hold each other accountable or own up to the wrongs unless it's a political tactic used to leverage the other party or the Governor, but not when it's just about being human and decent.

Ironically, I was born on the Fourth of July. I hear everybody talking about these great documents, the Declaration of Independence and the Constitution, and say all these things about living the creed and living life in pursuit of happiness. The double irony is I was born in 1967 just days before the riots—the civil unrest where there was no social justice—an era of racial disparity, due to the unwillingness to just simply treat people with respect, dignity, or fairness without judgement of their ebony hue.

I've lived through all kinds of crises. I've lived through just growing up in Detroit was a crisis. I've lived in D.C. through 9/11 and the anthrax scares. I've lived in Florida through multiple hurricanes—Charlie, Francis, Ivan, Gene, Rita, and Wilma. And during these disasters, folks take to partisanship to play politics with peoples' lives. And nothing good has come from it in any of those scenarios. There is a difference in doing things right than doing the right thing. So, I want to just leave the chamber with another poem that I have lived my life by. This is not to any one particular person or party. This is for both chambers to hear, the world to hear as you publish this; but this is from my good brother Langston Hughes.

I'd rather see a sermon than to hear one any day.

I'd rather one walk with me than just to show the way.

The eye is a better pupil and more willing than the ear.

Advice may be misleading but examples are always clear.

And the very best of teachers are the ones who live their  
creed,  
For to see good put into action is what everybody needs.  
I can soon learn to do it if you let me see it done.  
I can watch your hand in motion but your tongue too fast  
may run  
And the lectures you deliver may be very fine and true  
But I'd rather get my lesson by observing what you do.  
For I may misunderstand you and the fine advice you give  
But there's no misunderstanding how you act and how  
you live.

So, for me to remain hopeful—because I have high expectations of this chamber—and where respect and accountability and diplomacy are crucial to all and to hope. I believe in people, and I need to believe in this chamber. That there is some humor, there is some humanity, and a sense of morality, a moral understanding that we as a body are working not just for equality but equity and the greater good on behalf of every resident in the great state of Michigan. Help me fulfill that obligation and I'm gone.

Senator Barrett's statement is as follows:

You know, it's interesting. My colleague that just spoke before me said that he was born on the Fourth of July. I was actually born today. Today's my birthday. I turn 39 years old and I never thought, in the 39 years that I've walked this world, that I'd have to defend the rights of individuals, our constitutional liberties, and the separation of powers between branches of government here in this country, in this state, and here in this legislative institution. I never in my life thought that would take place.

You know, when we die—and all of us will eventually I guarantee you of that—at our funerals, they're going to talk about the things in our life, not about what was essential but I guarantee you each and every person there will remember the non-essentials. The moments we shared together, not the social distancing, but the interpersonal closeness and the bonds that connect us to one another, that will be what we are remembered by. That is the measurement of our life. Not the essentials.

Today, I'm disappointed that we would jeopardize the economic security of so many families for political gamesmanship. I absolutely recognize that we're not going to agree on the specifics of the different branches of government, the roles and responsibilities in responding to this crisis that we're facing; but I want to remind my colleagues of something: there are rules of engagement that civilized societies have adopted and agreed to, even in times of war. I'll sum it up to you with a few simple words. We don't target innocent bystanders. You can take your frustration, your anger, your political retaliation, and take that out against us. We signed up to be here. I did, you did, all of us in this room signed up to take on this job and be here and confront the issues. But don't hurt the innocent bystanders. They didn't sign up for this hardship. They didn't sign up to have their livelihoods robbed of them. They didn't sign up for your criticism in the games to be played. I did. So, you can yell at me and you can take your aggression out on me, but don't take it out on them.

By withholding this vote for immediate effect, we have put their economic security at risk and the continuation of their unemployment benefits that they are going to desperately rely on. Your opposition to the bill is noted. Your "no" vote explanations were heard. But to withhold immediate effect neuters their economic security, and I'm really disappointed by that.

Senator Nesbitt's statement is as follows:

There is no doubt that we are in a public health crisis that's inflicting serious harm to our economy and the financial well-being of people throughout our state. I have heard from constituents—we all have—who've had serious health issues escalate because the Governor's banned important non-emergency medical care. Constituents have told me heart-wrenching stories about being unable to receive responses from the Unemployment Insurance Agency, and the stress that causes, to them and their families. Seniors have shared being on the verge of homelessness because their lease was running out, and unlike in other states, the Governor was preventing the completion of their homes. One small business owner who would be considered essential in another state, was banned from operating here in Michigan. So they're having difficulties even meeting the needs of their own families, providing food on their table and paying for critical medications for their child.

These are all real stories that I've heard just in the last few days from my constituents. Yes, these are difficult times, but the most effective and responsible path is for all of us, including the Governor, to work together to defeat this virus, sustain vulnerable citizens, and rebuild our lives and our economy.

In the Senate, we have attempted to provide input and partner with the Governor, but Governor Whitmer has been unwilling to cooperate or listen. At the federal level, President Trump, the U.S. House with a Democratic majority, and the U.S. Senate with a Republican majority have worked together to pass consequential laws in the midst of this crisis. However, here in Michigan, the executive has made it clear that she must be totally 100 percent in charge, and that anyone who believes that she should consider the ideas and perspectives of others are just playing political games. The arrogance is shameful and beneath the dignity of the office of Governor.

As we have sadly learned, one-person decision-making is not the most effective model of governing. The Governor has made critical errors that could have been avoided, such as forgetting for four weeks to apply for federal assistance to bring more personal protective equipment and testing capabilities to our state. The Governor failed to give her Unemployment Insurance Agency Director a heads-up about her orders, and failed to direct enough resources to help people applying for unemployment benefits, people that she forced out of work. The list of mistakes that have hurt the lives of the citizens of Michigan goes on and on, and what is most heart-breaking is many of these terrible mistakes could have been avoided if she was willing to work as a partner and listen to duly-elected representatives of the Michigan citizens.

Since the Governor refuses to negotiate, very plain yesterday in what she said, the Senate and House today passed legislation that will help our state through this crisis. Specifically, the legislation presented to the Governor for her signature will protect first responders and health-care workers as they work in this crisis, protecting them from unnecessary liabilities and lawsuits, continue common sense actions including property tax and income tax flexibility, preserving water services public safety enhancements, longer-term access to medications and other regulatory relief measures, allow medical procedures and construction to resume, just like our neighboring states, whether they're Democratic or Republican governors, and not grant additional emergency powers because this law provides state government the tools to combat this health, financial, and economic crisis that we're facing.

If the Governor vetoes this legislation we passed today, it's simply because she wants 100 percent control over all the decisions of our state, rather than going through the regular constitutional process that would refine and improve these actions. The people deserve a state government that works collaboratively and effectively to make the best decisions during this once-in-a-lifetime pandemic.

Senator Irwin's statement is as follows:

I rise to offer a couple of comments about the moment that we're in here because I heard a lot of high-minded talk about the U.S. Constitution and our fundamental rights. You know, those of you who had the obligation and responsibility to serve with me for many years know that I love talking about the Constitution and our fundamental rights. In fact it's one of the things that often I find myself connecting with my conservative colleagues on.

I do want to let you know that all these concepts—separation of powers, and fundamental rights, and doing what the Governor is doing now does not make us no longer a republic—these types of considerations have been looked at by the Supreme Court in the past. This is not the first pandemic this nation has faced. This is not the first public health crisis we've faced. These questions have been looked at by the Supreme Court. Has anyone here in this chamber read any of the Supreme Court decisions documenting exactly how far the government's power extends in these circumstances and how those boundaries are determined? Some of us have, I suspect. But of course, what I really wanted to say is that this legislation that we debated today, Senate Bill No. 858, is not going to be upheld or not upheld based on some sort of federal constitutional basis. And I would also say that the resolutions that we're going to take up in a moment are not going to be battled on a federal constitutional basis. These are going to be decided on state laws. You know why? Because this Legislature—this Legislature that you are trying to stick up for now—passed a couple of laws. We passed a law in the 1970s—an emergency manager act. We passed a law in the 1940s—an emergency manager act—and this Legislature, this Senate in fact in its infinite wisdom decided many, many years ago that in a situation like this—in a public health crisis; in a genuine emergency—we need to give the Governor the power to act swiftly and to act decisively, something that this Legislature has shown time and time again that it is not capable of doing.

I also want to mention that I made an error when I was talking about Senate Bill No. 858. I said that it was going to have a hard time in the courts. Of course that's not true; that was an error. Senate Bill No. 858 is not going to go to the courts. And it's also the same reason why it's not important whether or not we gave it immediate effect. The Governor is not signing a bill taking away the Governor's authority. It's as simple as that. It's a political exercise.

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. 114**

The motion prevailed.

Senators Stamas, Outman, Bumstead, LaSata, Victory, Barrett, Horn, Bizon, Theis, Johnson, Runestad and VanderWall offered the following resolution:

**Senate Resolution No. 114.**

A resolution authorizing the Senate Majority Leader to commence legal action on behalf of the Senate challenging the Governor's authority and actions during the COVID-19 pandemic.

Whereas, On March 10, 2020, Governor Whitmer issued Executive Order 2020-4 declaring a state of emergency across the state of Michigan to address the COVID-19 pandemic; and

Whereas, On April 1, 2020, Governor Whitmer issued Executive Order 2020-33 to replace Executive Order 2020-4 and expanded the initial March 10, 2020, order to include a state of disaster related to the COVID-19 pandemic; and

Whereas, On April 7, 2020, the Legislature adopted Senate Concurrent Resolution No. 24 of 2020 to extend the state of emergency and state of disaster declared by Governor Whitmer in Executive Order 2020-4 and Executive Order 2020-33 through April 30, 2020; and

Whereas, Without an additional legislative extension, Governor Whitmer has a statutory obligation, pursuant to MCL 30.403, to "issue an executive order or proclamation declaring" the states of emergency and disaster terminated on May 1, 2020; and

Whereas, Any attempt by Governor Whitmer to unilaterally extend the states of emergency and disaster past April 30, 2020, without legislative approval would be contrary to both law and Michigan's constitutional system; and

Whereas, Members of the Michigan Senate must defend the Legislature's role as the sole lawmaking body and as a co-equal branch of government in Michigan's constitutional system; now, therefore, be it

Resolved by the Senate, That the Senate Majority Leader, in his official capacity, is authorized to commence legal action on behalf of the Senate, challenging the authority and actions of the Governor, and the executive branch generally, taken during the COVID-19 pandemic and take all necessary steps incidental thereto, including, but not limited to, pursuing or defending any appeals.

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 was named co-sponsor of the resolution.

**Protests**

Senators Ananich, Irwin, McMorro, Brinks, Hertel, Moss, Wojno, Hollier, Santana, Geiss, Alexander, Bayer and Bullock, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 114.

Senators Ananich, Irwin, and Hertel moved that the statements they made during the discussion of the resolution be printed as their reasons for voting "no."

The motion prevailed.

Senator Ananich's statement is as follows:

Quite often if you look and listen you hear the true intent of what is going on often.

A good friend and colleague from the 32nd District, I think, articulates exactly the intent of this resolution. It has nothing to do with a lot of the high and mighty talk that has been going on. It has everything to do with politics and perceived slights that go back all the way to the budget. The budget that—I would remind folks—was not negotiated to the Governor. It was put on her desk and he brought up the actions that brought them displeasure.

I have to say in the middle of a global pandemic, are we that petty? Is our ego that fragile that we can't find ways to sit down and reason as men and women across the aisle and find solutions that this is our only avenue.

I disagree with the majority of what my good friend from southwest Michigan said. But, I will say there are a number of things we can work on together. Availability of testing so that we can open up our state in an appropriate in a safe way, making sure that all workers and business owners have PPE, not if it's available, but guarantee it, so that we protect every single worker in this state before they go back to work.

Work in a collaborative way to solve our problems. I ask that we do that instead of what we are doing here today.

Senator Irwin's statement, in which Senators McMorrow and Brinks concurred, is as follows:

This resolution today is a resolution to commence legal action on behalf of the Senate challenging the authority and actions of our Governor and the executive branch generally taken during the COVID-19 pandemic. I am going to oppose this resolution for a number of reasons. Once, as I stated earlier, I think that they claims made in the Whereas clauses about constitutional violations are not founded in the document and really don't stand up to any, we'll say, strict scrutiny.

What I want to point out is that as this Senate is debating a resolution to commence legal action, which means hire expensive lawyers, we are on the precipice—really maybe we are in the middle of falling off of—a budget cliff. In a few weeks we are going to have a consensus revenue estimating conference and the news is not going to be good. We all know that we're going to have to right size this budget to the situation at hand and it's going to be very, very dangerous. And at the same time as this Senate is talking about spending precious dollars on expensive lawyers for a political legal fight, Mitch McConnell in the U.S. Senate is saying he's not so interested in the blue-state bailout. He doesn't care about states like Michigan that have been hit hard by COVID-19. He's talking about not providing federal funds to help make sure that we can keep our healthcare workers, our teachers, and our police officers paid and on the street. He'd rather spend money bailing out Carnival cruises that doesn't even dock here in America, airlines that spent all of their coin on stock buybacks—he'll throw billions at them—but when the people of Michigan need a little bit of help to make sure that we can have schools open, police officers on the street, garbage collectors picking up the garbage—our cities need help. Our state employees are facing a disaster, and here we are talking about hiring a bunch of fancy lawyers to advance a political cause. It's disappointing, I oppose it, and I wouldn't be saying any of this—I would not for a second say that you shouldn't stand up for your views and spend a whole bunch of public money doing it—if you were coming forward in the previous weeks, or even here today and saying, “let's get together; let's talk about how we can provide PPE to these employees; let's talk about how we can provide testing; let's talk about how we can help the Governor get these unemployment checks into peoples' hands; let's talk about contact tracing or small business help.” No, you're here talking about suing the Governor, hiring fancy lawyers rather than getting to work, rolling up your sleeves, helping the people of Michigan.

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

You know, colleagues, I love a good case of irony. And one of our previous speakers got up here and talked about, well, if we didn't give immediate effect to an obviously unconstitutional bill, that all these terrible consequences would happen, because these orders that Governor did to protect people would go away. That's if we didn't codify them into law.

And literally 20 minutes later, you're going to vote to sue the Governor to end all of those powers. All the powers that expanded unemployment, all the powers that are protecting first responders. You're going to make that vote literally in minutes, after sanctimoniously getting up and saying that the other side of the aisle did the same thing. It's a beautiful, beautiful sense of irony.

You know, I appreciate those that come down to give their opinion. I have no problem with people protesting this body at all. I respect the First Amendment, and their rights to do so. But I can tell you one thing—I wouldn't look them in the eye and tell them that I'm going do something, and lie to them. Pretending that this is ever—we all know that there is a zero percent chance that any of this is anything other than a political show. I know that because literally, we've offered an extension just yesterday. This is not anywhere near about any of the things that we're pretending it's about, it's about some theater. It's sound and fury signifying nothing. This will accomplish nothing. Neither will a lawsuit—it will be a waste of a ton of taxpayer money—but it will accomplish nothing.

But please, don't get up here and tell me that you're for all these things in the executive orders, and ask to have power to sue the Governor to end them. That makes absolutely no logical sense, and anyone in the state can look through that.



Senators Stamas asked and was granted unanimous consent to make a statement and moved that the statement he made be printed in the Journal.

The motion prevailed.

Senator Stamas' statement is as follows:

The Legislature is the peoples' most direct representation in state government. Yet, the Governor continues to dismiss and ignore this equal branch. This isn't a political problem. It's a democratic problem.

The Governor has repeatedly chosen absolute power over working together with the people's representatives. The Governor believes she can unilaterally grab total power over every Michigan family and hold onto that power for as long as she wants. Her actions amount to asking the Legislature to bow down, forget our oath of office, and to go home. There are places with systems of government like that; but Michigan is not one of them.

In Michigan, the people have a voice and protecting their voice and protecting their lives are not mutually exclusive. Let me say that again. They are not mutually exclusive. Unfortunately, the Governor has decided to go it alone once again and the citizens of Michigan deserve better. This resolution authorizes the Senate to bring legal action if the Governor attempts to extend her emergency powers without legislative approval. Not only is the law clear that the state of emergency declaration needs legislative approval to extend, the Governor has publicly acknowledged as such twice by asking for the extension. Why have us come and travel to the Capitol and vote on an extension if she doesn't need it. The answer's clear. She needs the Legislature's approval of an extension if she decides to act without it.

These actions are illegal and the Legislature's role should be confirmed by the court. We're all facing uncertain and stressful times. My hope is that our Governor will work with us to responsibly and effectively end this health crisis, and this resolution will not be necessary. In case that doesn't happen, I ask my colleagues to stand up for their rights and their constituents and the families of Michigan in support of this resolution.

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

**Senate Resolution No. 110**

The motion prevailed.

Senator Lauwers offered the following resolution:

**Senate Resolution No. 110.**

A resolution to recognize April 2020 as Financial Literacy Month.

Whereas, The informed use of credit and other financial products and services benefits individual consumers and promotes economic growth; and

Whereas, Learning financial literacy skills at an early age encourages greater economic self-sufficiency, higher levels of successful homeownership, and enhanced retirement security, particularly among low and moderate income citizens; and

Whereas, Quality personal financial education and a strong understanding of financial literacy is essential to ensure that individuals are prepared to manage money, credit, debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas, A greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth; and

Whereas, According to the 2019 Consumer Financial Literacy Survey report by the National Foundation for Credit Counseling, a majority of adults in the United States have credit card debt that carried over from month to month and only an approximated 42 percent of adults in the United States maintain a budget; and

Whereas, During times of both strong and poor economic conditions, personal financial education and money management skills are crucial to ensure that all Michiganders, and especially our young people, are prepared to manage credit; and

Whereas, According to the report titled, "Economic Well-Being of U.S. Households" by the Board of Governors of the Federal Reserve System, 40 percent of adults in the United States cannot cover an expense of \$400; and

Whereas, According to the report of the Board of Governors of the Federal Reserve, for the fourth quarter of 2019 outstanding household debt in the United States reached \$14,150,000,000,000 and outstanding student loan balances have more than doubled in the last decade to approximately \$1,500,000,000,000; and

Whereas, The young people of our state represent Michigan's single greatest resource who, in the years ahead, will assume leadership positions and responsibility for advancement of our society; and

Whereas, According to the 2020 Council for Economic Education’s report titled, “Survey of the States: Economic and Personal Finance Education in Our Nation’s Schools” only 25 states require students to take an economic course as a high school graduation requirement, and only 21 States require students to take a personal finance course as a high school graduation requirement, either independently or as part of an economic course; and

Whereas, According to the Gallup-HOPE Index, only 57 percent of students in the United States have money in an account at a chartered financial institution; and

Whereas, Expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth; and

Whereas, According to the Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 41 percent of adults living in the United States gave themselves a grade of C, D, or F on their knowledge of personal finance; and

Whereas, Both federal chartered banks and the state of Michigan understand that an educated consumer is the best consumer and that financially savvy customers will use and get the most from banking services and products throughout their lives; and

Whereas, Financial Literacy Month highlights the commitment of Michigan banks to strengthen the financial knowledge of our youth and to prepare them for a fiscally-responsible future; now, therefore, be it

Resolved by Senate, That the members of this legislative body recognize April 2020 as Financial Literacy Month; and be it further

Resolved, That we encourage raising public awareness about the importance of personal financial education in Michigan and the rest of the United States to help address the serious problems that are associated with a lack of understanding about personal finances; and be it further

Resolved, That we call on every parent, school, business, financial institution, community organization, and unit of government to observe this month with appropriate programs and activities.

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

Senator MacGregor moved that the rule be suspended.

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

The resolution was adopted.

Senators Polehanki and Geiss were named co-sponsors of the resolution.

#### **Senate Concurrent Resolution No. 24.**

A concurrent resolution to approve an extension to the state of emergency and state of disaster declared across the State of Michigan to address the COVID-19 pandemic.

(For text of resolution, see Senate Journal No. 31, p. 480.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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

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

The motion prevailed.

Senator Shirkey’s statement is as follows:

After a long week, and a long day, I’m rather humored by the waxing-on righteous indignation from some of my colleagues on the other side of the aisle. Regrettably, their comments fall deaf in the spirit of logic and sensibility, due to a repeated hypocrisy. To address this glaring credibility gap, I wait anxiously for even the most slightest critique of a growing, arms-length list of breathtaking ambiguities and absurdities, evidenced in virtually all of our Governor’s executive orders. Not to mention that we have to ask Senators to daily check the FAQs, also known as the “Mother May I’s”, before struggling to go about their lives.

But Mr. President, that’s really not the statement I want to make. It’s just something I felt was on my heart.

Over the past several weeks, we’ve watched our world and our state cope with an unprecedented threat. COVID-19 has brought the threat of infection but has also brought unimaginable heartbreak and loss for our families. We have seen everyday workers become everyday heroes as they work to ensure we have access to food and medical care, parents and children have adapted to working and learning from home, and loved ones have been forced to die alone to protect their families from the threat of this virus. We have all come to the realization that life is different, and likely to remain different, for some time.

We've also learned that there is to be a balance between life in lockdown and life in the presence of COVID-19. We can no longer allow one person to make decisions for 10 million people. Many weeks ago, our Governor acted quickly at the onset of COVID-19 with a one-size-fits-all heavy-handed emergency order. Michigan citizens adapted quickly and stayed home to protect themselves and their loved ones. And I supported that order. Our citizens have coped with loss and learned how to safely live and function in the presence of COVID-19.

But now, the Legislature must make a choice—to allow our Governor to continue to govern by executive order, or to trust our constituents to take the necessary precautions to protect themselves and their families without the Governor mandating a one-size-fits-all stay-at-home order.

Now citizens count on a government structure of checks and balances. The Legislature is the voice of the people, and we must have a seat at the table to ensure that the concerns of our constituents are considered as a key part of every decision-making process. This end of the Governor's emergency declaration means we return to a system of checks and balances that ensures that all voices are heard. It also means that the Legislature must vote to ensure continuity of other necessary changes made via executive orders.

The Senate today has passed legislation to require safe practices for all businesses in public places; the same legislation will preserve the vast majority of executive orders necessary to continue changes to programs like unemployment, distance learning for schools, and to ensure that we provide immunity for health care workers as they continue to do their brave work. And just now, the Senate has authorized filing a lawsuit against our Governor. If she does not recognize the end of the emergency declaration, we have no other choice but to act on behalf of our constituents. The Senate offered to work with the Governor to reach a compromise on the stay-at-home, stay-safe order. She didn't even acknowledge that an offer was offered, and then when she did, it was rejected in a very underhanded, unprofessional shameless way.

So now, the Michigan Senate, along with our partners in the House, will begin our work to responsibly lead our state from governance by executive order back to government where all the voices are heard and considered.

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

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, April 30:

**House Bill No. 5709**

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

**Senate Bill Nos. 898 899**

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:  
Meeting held on Wednesday, April 29, 2020, at 9:30 a.m., Room 352, House Appropriations Room, Capitol Building  
Present: Senators Nesbitt, LaSata, Schmidt, Hertel and Hollier

Senator MacGregor moved that the Senate adjourn.  
The motion prevailed, the time being 7:04 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, May 5, 2020, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

