

No. 59
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Wednesday, July 22, 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—excused

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 Dan Lauwers of the 25th District offered the following invocation:

God, help the Senate. Help the House. Help the Governor and all those in the executive branch who work to make Michigan a great place for all. Help us navigate our way through the trial of this virus. God, I ask You to continue to bless us with grace, purity, and clarity of thought; that we would know Your will and following Your ways. God, You have given each of us working in this chamber and in this building a special privilege and responsibility to serve others. Help us to make the most of this opportunity to do for others what we would ask You to do for us.

Amen.

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

Motions and Communications

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

The motion prevailed.

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

The motion prevailed.

Senator Chang moved that Senator Hollier be 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.

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.

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:

House Bill No. 5265

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

By unanimous consent the Senate proceeded to the order of

Messages from the Governor

The following message from the Governor was received on June 25, 2020, and read:

EXECUTIVE ORDER

No. 2020-132

Enhanced authorization of remote means for carrying out state administrative procedures

Rescission of Executive Order 2020-113

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On 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 has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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, limit the number of people interacting at public gatherings, encourage social distancing, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily suspend rules and procedures relating to service of process and provision of notice as to certain administrative proceedings and the use of electronic signatures. State administrative entities must be able to continue to conduct public business during this emergency, including actions to respond to the COVID-19 pandemic, without unduly compromising public health, safety, and welfare.

Executive Order 2020-23 provided this limited and temporary relief from certain rules and procedures. Executive Orders 2020-45, 2020-80, and 2020-113 extended the duration of that relief. This order extends that duration further, because it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-113 is rescinded.

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

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission (MERC) hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 *et seq.* (employment relations commission), 1947 PA 336, as amended, MCL 423.201 *et seq.* (public employment relations), and 1969 PA 312, as amended, MCL 423.231 *et seq.* (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.

2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.

3. The Unemployment Insurance Agency (UIA) may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

4. Notice to the UIA and written notice by the UIA may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

5. Hearings held under the Administrative Procedures Act of 1969 (APA), 1969 PA 306, as amended, MCL 24.201 *et seq.*, as well as under the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the APA and the MAHS Administrative Hearing Rules is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.

6. Notice and service of process required by the APA and the MAHS Administrative Hearing Rules may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the APA and the MAHS Administrative Hearing Rules is temporarily suspended.

7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the APA is temporarily suspended.

8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget (DTMB) is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must 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.

9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the DTMB is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the APA, including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must 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.

10. This order is effective immediately and remains in effect through July 31, 2020 at 11:59 p.m.

11. Executive Order 2020-113 is rescinded.

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

Date: June 25, 2020

Time: 3:53 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message from the Governor was received on June 25, 2020, and read:

EXECUTIVE ORDER
No. 2020-133

Restarting professional sports

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

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

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

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

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

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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 suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day continues to drop. Although the virus remains aggressive and persistent—on June 24, 2020, Michigan reported 61,953 confirmed cases and 5,868 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are in the process of gradually resuming in-person work and activities.

Fortunately, we are now in a position to allow professional sports to resume, subject to COVID-19 safety plans that are consistent with guidance from the Centers for Disease Control and Prevention and the Michigan Department of Health and Human Services. Those sports must be played, however, without live audiences for the time being.

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

1. Notwithstanding the gathering, event, and capacity restrictions outlined in sections 5 and 6 of Executive Order 2020-110 and section 7 of Executive Order 2020-115, professional sports leagues and teams may resume operations, provided that:

(a) No live audiences are allowed, except for staff of the facility at which a sporting event is held and media personnel reporting on, filming, or otherwise documenting the sporting event.

(b) The activities are conducted pursuant to a COVID-19 safety plan that is consistent with any guidance from the Centers for Disease Control and Prevention and the Michigan Department of Health and Human Services.

(c) Participants maintain six feet of distance from one another to the extent compatible with the sporting activity.

2. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor. Given under my hand and the Great Seal of the State of Michigan.

Date: June 25, 2020

Time: 4:01 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-134

Eviction diversion program for COVID-19-related debtors

Rescission of Executive Order 2020-118

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.

Executive Order 2020-118 and its predecessors, which temporarily prohibited removal or exclusion of a tenant or mobile home owner from their residential premises, were issued because removing or excluding people from their residences was likely to exacerbate the public health threat of COVID-19. Although COVID-19 remains a deadly pandemic, conditions in Michigan are improving. As a result, it is now reasonable and necessary to replace the eviction moratorium with a special judicial process for addressing COVID-19- related debts. This process will keep people in their homes, while facilitating prompt payment to landlords.

To facilitate this transition, this order temporarily extends, and then rescinds, the eviction moratorium. Beginning July 16, 2020, Michigan landlords and lenders are strongly encouraged to take advantage of COVID-19 housing debt remedies, rather than pursuing eviction or foreclosure.

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

1. Executive Order 2020-118 is temporarily extended and will remain in effect through July 15, 2020. Effective July 16, 2020 at 12:01 am, Executive Order 2020-118 is rescinded.

2. “COVID-19 housing debt” means a money debt resulting at least in part from a breach of a residential lease, residential executory contract, or residential mortgage due to failure to make a required payment during a state of emergency or state of disaster arising out of the COVID-19 pandemic.

3. A conditional dismissal, pursuant to Michigan Court Rule 2.602, of a claim based on COVID-19 housing debt may provide for the Eviction Diversion Program (EDP) or any similar relief fund established at the county or municipal level to satisfy up to 90% of the amount due to the plaintiff via a lump sum rental assistance payment, subject to availability of funds.

(a) Rental assistance under this section is available only for COVID-19 housing debt.

(b) Non-COVID-19 housing debt must be paid by the tenant either in a lump sum or as part of a conditional dismissal.

(c) A conditional dismissal that includes EDP rental assistance must require the defendant’s share of the amount due to be paid in 12 equal monthly payments.

(d) In order to receive a lump sum rental assistance payment, plaintiff must waive any late fees or penalties, and must forgive one-ninth of one dollar of the remaining amount due for every dollar received as a lump sum payment. For example: (i) if a plaintiff receives \$900 from the Eviction Diversion Program on a \$1,000 arrearage, they must forgive the remaining \$100; (ii) if a plaintiff receives \$450 from the Eviction Diversion Program on a \$1,000 arrearage, they must forgive \$50, and the defendant tenant is responsible for paying the remaining \$500 in twelve equal monthly payments.

4. Eligibility for rental assistance payments under section 3 will be based on tenant income and household size.

(a) Households up to 100% of area median income (AMI), calculated based on income during the period for which assistance is sought, will be eligible for rental assistance, with a target of half of funds reserved for households earning less than 50% of AMI.

(b) Tenant responsibility will vary based on AMI and amount due.

(c) The Department of Labor and Economic Opportunity (LEO) must issue program guidance to implement this section.

5. LEO will issue grants to Housing Assessment and Resource Agencies (HARAs) to administer the Eviction Diversion Program. HARAs are responsible for making rental assistance payments under section 3 of this order, consistent with the eligibility criteria in section 4 and relevant LEO guidance.

6. Any statutory limits on the court of this state to adjourn any proceedings, toll any redemption periods or limitations periods, or extend any deadlines are suspended through July 31, 2020 at 11:59 p.m.

7. For purposes of this order, "Eviction Diversion Program" refers to the rental assistance program funded by section 506 of Enrolled Senate Bill 690 of 2020.

8. A copy of this order will be transmitted to the State Court Administrative Office.
Given under my hand and the Great Seal of the State of Michigan.

Date: June 26, 2020

Time: 11:45 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-135

Creation of Michigan Nursing Homes COVID-19 Preparedness Task Force

Department of Health and Human Services

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

Since the first confirmed case in March, COVID-19 has 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. The COVID-19 pandemic poses a particularly dire threat to the health and safety of both residents and employees of nursing homes. Due to nursing home residents' vulnerability to the disease, and the nature of the care provided in nursing homes, the risk of harm posed by a single positive case of COVID-19 to the entire facility is inordinately high.

To respond to these threats, beginning in April, I issued orders requiring ongoing attention to infection prevention in nursing homes, which is critical to slowing and stopping the spread of the virus. Moreover, Michigan offered and prioritized nursing home testing beginning in April for every resident, and as a result of that commitment to protecting our most vulnerable residents, the state has facilitated testing for over 35,600 residents and staff in nursing homes.

Protecting the health, safety and wellbeing of our seniors and most vulnerable residents remains a top priority. But the challenges involved in preventing the spread of COVID-19 in nursing homes are formidable. Federal leadership on how best navigate the COVID-19 pandemic in nursing homes has been in short supply. And although Michigan has weathered an initial wave of COVID-19, available data and research suggests the virus is surging in other parts of the country. A second wave of COVID-19 in Michigan therefore remains a deadly threat, especially to nursing home residents. I am therefore creating a task force comprised of government officials, legislators, epidemiologists, professional healthcare associations, physicians, and direct care workers, that will be charged with, among other things, preparing for any future wave of COVID-19 cases by developing an action plan based on timely and high-quality data.

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

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 further obligates the governor to take care that the laws be faithfully executed.

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

I. The creation of the Michigan Nursing Homes COVID-19 Preparedness Task Force

1. The Michigan Nursing Homes COVID-19 Preparedness Task Force (“Task Force”) is created as an advisory body within the Michigan Department of Health and Human Services (DHHS).

2. The Task Force must consist of:

(a) The director of the DHHS, or the director’s designee from within DHHS.

(b) The director of the Michigan Department of Licensing and Regulatory Affairs (LARA), or the director’s designee from within LARA.

(c) The Michigan State Long Term Care Ombudsman, or her designee from within the Michigan Long Term Care Ombudsman Program.

(d) Two members of the Michigan House of Representatives appointed by the governor, including one from each of the two political parties with the largest representation in the Michigan House of Representatives.

(e) Two members of the Michigan Senate appointed by the governor, including one from each of the two political parties with the largest representation in the Michigan Senate.

(f) Thirteen other members appointed by the governor, including individuals with a personal or professional interest in the health, safety, and welfare of nursing home residents and workers.

3. The governor will select two members of the Task Force to serve as co-chairs.

4. A vacancy on the Task Force or a vacant co-chair position must be filled in the same manner as the original appointment.

II. Charge to the Task Force

1. To adequately inform the state’s response to a potential second wave of COVID-19, the Task Force is charged with the following responsibilities:

(a) Coordinating across state government and with industry stakeholders to ensure a broad range of input from relevant entities.

(b) Analyzing relevant data on the threat of COVID-19 in nursing homes and making recommendations to the governor on improving data quality, as necessary.

(c) Making data analysis publicly available in a readable format to improve public understanding of the threat of COVID-19 in nursing homes.

(d) Making periodic reports to the governor on its findings and recommendations, including on best practices to minimize the spread of COVID-19 in nursing homes, and to provide appropriate and timely technical assistance to nursing homes.

(e) By August 31, 2020, producing a recommendation to the governor for an action plan on how to prepare nursing homes for any future wave of COVID-19 cases.

(f) Providing other information or advice or taking other actions as requested by the governor.

2. The Task Force must report regularly to the governor on its activities and make recommendations on an ongoing basis.

3. The Task Force will dissolve no later than two years after issuance of this order unless the governor orders otherwise.

III. Operations of the Task Force

1. DHHS must assist the Task Force in the performance of its duties and provide personnel to staff the Task Force. The budgeting, procurement, and related management functions of the Task Force will be performed under the direction and supervision of DHHS.

2. The Task Force must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

3. The Task Force must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*

4. The Task Force may select from among its members a secretary. Task Force staff must assist the secretary with recordkeeping responsibilities.

5. The Task Force must meet at the call of its co-chairpersons and as otherwise provided in the procedures it adopts.

6. A majority of the members of the Task Force serving constitutes a quorum for the transaction of the business of the Task Force. The Task Force must act by a majority vote of its members.

7. The Task Force may establish advisory workgroups composed of individuals or entities participating in Task Force activities or other members of the public or of the executive branch of state government, as deemed necessary by the Task Force to assist it in performing its duties and responsibilities. The Task Force may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

8. The Task Force may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Task Force also may consult with outside experts in order to perform its duties, including experts in the private sector, organized labor, faith community, government agencies, and at institutions of higher education.

9. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the co-chairs deem advisable and necessary, consistent with this order and applicable law, rules, and procedures, subject to available funding.

10. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

11. Members of the Task Force must not receive additional compensation for participation on the Task Force. Members of the Task Force may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

12. Members of the Task Force must refer all legal, legislative, and media contacts to DHHS.

IV. General Provisions

1. All departments, agencies, committees, commissioners, and officers of this state must give to the Task Force, or to any member or representative of the Task Force any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Task Force, consistent with applicable law.

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

3. Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

4. If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

5. This order is effective upon signing.

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

Date: June 26, 2020

Time: 12:43 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-136

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

Rescission of Executive Order 2020-108

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

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On 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 has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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 and to provide essential protections to vulnerable Michiganders and to this state's health care system and other critical infrastructure, it is reasonable and necessary to impose limited and temporary restrictions on the entry of individuals into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

Executive Order 2020-72 imposed such restrictions, and Executive Order 2020-108 extended their duration and empowered the Director of the Department of Health and Human Services to create exceptions to those restrictions as circumstances permit. In light of the ongoing risk to residents and employees of those facilities, it is reasonable and necessary to extend the duration of those orders further. With this order, Executive Order 2020-108 is rescinded.

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

1. Except as otherwise provided by the order of the Director of the Department of Health and Human Services (DHHS), all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must prohibit from entering their facilities any visitors that: are not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care; are not a parent, foster parent, prospective adoptive parent, or guardian of an individual who is 21 years of age or under and who is under the facility's care; are not visiting an individual under the facility's care that is in serious or critical condition or in hospice care; and are not visiting under exigent circumstances or for the purpose of performing official governmental functions.

2. All health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must perform a health evaluation of all individuals that are not under the care of the facility each time the individual seeks to enter the facility, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include, at a minimum, symptoms of a respiratory infection, such as fever, cough, or shortness of breath; contact in the last 14 days with someone with a confirmed diagnosis of COVID-19; and other criteria specified by the Director of DHHS.

3. Any staff member or visitor of a residential care facility, congregate care facility, or juvenile justice facility must wear a covering over his or her nose and mouth when indoors or within six feet of another person.

4. While the restrictions of this order are in place, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must make best efforts to facilitate visitations with individuals under their care by phone or other electronic communication platforms to the fullest extent possible, consistent with normal visitation policies.

5. For purposes of this order, "residential care facilities" includes, but is not limited to, homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.

6. The Director of DHHS may issue orders and directives to implement this order, including to specify exceptions to section 1 of this order, and to specify additional evaluation criteria under section 2 of this order.

7. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order shall constitute a misdemeanor.

8. Executive Order 2020-108 is rescinded.

9. This order is effective immediately and continues through July 24, 2020 at 11:59 p.m.
Given under my hand and the Great Seal of the State of Michigan.

Date: June 26, 2020

Time: 12:45 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-137

**Protecting the Food Supply and Migrant and
Seasonal Agricultural Workers from the effects of COVID-19**

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

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

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

COVID-19 can spread easily in setting when many people live in close proximity, such as the migrant housing camps that house thousands of migrant agricultural workers in Michigan each year. Migrant agricultural workers are an essential workforce in Michigan and securing their health and well-being will ensure that Michigan’s food supply chain is not disrupted.

Taking preventive measures now will save lives and keep the state’s agricultural sector running smoothly and consistently. Those who provide housing for Michigan’s migrant agricultural workers must implement plans to prevent exposure to the novel coronavirus that causes COVID-19, care for individuals with COVID-19, and prevent the spread of disease among their workers based on this directive. The state must take proactive, preventive measures to create safer living conditions for migrant workers.

Executive Order 2020-111 provided such protection for migrant workers living in licensed congregate housing. Because it remains reasonable and necessary to ensure the safety of migrant workers as well as the sustainability of Michigan’s food supply, this order continues those requirements until the end of the growing season. With this order, Executive Order 2020-111 is rescinded.

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

1. All owners and operators of employer-provided migrant housing camps licensed by the Michigan Department of Agriculture and Rural Development (“camps”) must comply with section 1 of Executive Order 2020-114 or any order that follows it, providing camp residents with the same safeguards as businesses are required to provide their workers while at work. Within two weeks of the effective date of this order, a camp must post its COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available at <https://www.osha.gov/Publications/OSHA3990.pdf>. Nothing in this section shall be construed to permit owners or operators of employer-provided migrant housing camps to deny access to any person on the basis that the camp is a worksite.

2. In addition to section 1, all camp owners and operators must, at a minimum:

(a) Except in single-family housing, separate beds by at least six feet or more in all directions wherever possible, and encourage camp residents to sleep head-to-toe.

(b) Provide isolation housing for COVID-19-suspected residents who have not received a positive result from a COVID-19 test, unless the COVID-19-suspected resident resides in a one-family housing unit or in a family living unit that is part of a multifamily unit and can effectively isolate themselves within the unit.

(c) Provide housing, dining, and bathroom facilities for COVID-19-confirmed residents separate from residents who are not COVID-19-confirmed. Such facilities may be shared with other COVID-19-confirmed residents.

(d) Ensure regular ventilation of rooms where COVID-19-suspected residents are housed (e.g., by opening screened windows to the outside to let fresh air circulate).

(e) Ensure that anyone who delivers food and water to isolated residents is equipped with appropriate PPE.

(f) Arrange for COVID-19-suspected and COVID-19-confirmed residents to be evaluated by a medical provider through the local health department or federally qualified health center.

(g) Attempt to collect emergency contact numbers for each resident.

(h) Ensure that camp employees and residents have access to the phone number of the local health department. MiOSHA requires “camp superintendents” (or those providing the housing) to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease. (29 CFR 1910.142(l)(1)). Additionally, camp owners and operators must ensure that the name, phone number, and email address of the camp superintendents is posted prominently in a central location.

(i) Conspicuously post the address of the camp in a central location and in any isolation housing to ensure that residents will be able to call a 911 operator if needed.

(j) Conspicuously post the phone number for the Michigan Coronavirus hotline, 888-535-6136, in a central location and in any isolation housing, along with a statement that if residents would like to make a CONFIDENTIAL complaint about unsafe working or employer provided living conditions, they may call the hotline number.

(k) Adopt any additional infection control measures consistent with guidance issued by the Department of Health and Human Services (“DHHS”).

3. MDARD must use best efforts to conduct outreach visits to each migrant labor housing camp licensed under Part 124 of the Public Health Code within 20 working days of occupant arrival to review the rules issued pursuant to this order and any relevant DHHS guidance. MDARD may contract with third-party providers to provide these services.

4. Definitions.

(a) “COVID-19-suspected resident” includes a camp resident who has symptoms of COVID-19 but has not yet received a COVID-19 diagnostic test result. Symptoms of COVID-19 include but are not limited to fever, cough, difficulty breathing or shortness of breath, sore throat, muscle pain, chills, new loss of taste or smell, nausea or vomiting, and/or diarrhea.

(b) “COVID-19-confirmed resident” includes a camp resident who has received a positive result from a COVID-19 diagnostic test and has not subsequently discontinued transmission-based precautions based on a strategy outlined by the CDC. A description of the CDC recommendations for discontinuation of transmission-based precautions may be accessed at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-hospitalized-patients.html>.

5. The rules described in sections 1 and 2 have the status of regulations adopted by the Michigan Department of Agriculture and Rural Development (“MDARD”). Any challenge to civil or criminal penalties imposed by MDARD for violating any of the rules described in sections 1 and 2 will proceed through the same administrative review process as any challenge to a civil or criminal penalty imposed by the department or agency for a violation of its own rules.

6. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

7. Executive Order 2020-111 is rescinded.

8. This order is effective upon issuance and remains effective through November 1, 2020 at 11:59 p.m., unless rescinded at an earlier time.

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

Date: June 29, 2020

Time: 8:15 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-138

Encouraging the use of telehealth services during the COVID-19 emergency

Rescission of Executive Order 2020-86

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On 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 has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke 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 promote use of telehealth, the U.S. Department of Health and Human Services Office for Civil Rights is exercising its enforcement discretion and will not impose penalties for noncompliance with HIPAA Rules against covered health providers in connection with the good-faith provision of telehealth services using non-public facing audio or video communication products during the COVID-19 national public health emergency. Moreover, the Centers for Disease Control and Prevention have issued guidance encouraging healthcare systems to use telehealth services when feasible to reduce the risk of transmission of COVID-19.

Telehealth provides a way for patients to obtain needed health services while observing social distancing. It is a means to limit potential exposure to COVID-19 and is currently permitted under Michigan law. In order to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, it is therefore reasonable and necessary to enable the use of telehealth services in new contexts and encourage expansion of telehealth services through other means. Executive Order 2020-86 took these needed measures. On June 24, 2020, I signed into law House Bills 5412, 5413, 5414, 5415, and 5416, which codified significant pieces of Executive Order 2020-86. In light of that legislation, those parts of Executive Order 2020-86 are no longer needed. This order trims Executive Order 2020-86 to only those provisions that remain necessary. I am prepared to continue to work with the Legislature on appropriate legislation to suppress the spread of COVID-19 and mitigate the effects of this global pandemic on the people of Michigan. With this order, Executive Order 2020-86 is rescinded.

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

1. All health care providers are authorized and encouraged to use telehealth services when medically appropriate and upon obtaining patient consent. To facilitate the provision of telehealth services:

(a) Written consent for treatment is not required. A health care provider may obtain verbal consent for telehealth services and must document such consent in the patient's file before providing telehealth services.

(b) A physician is not required to conduct an in-person examination before prescribing medication or ordering the administration of medication, including controlled substances except for methadone.

(c) Strict compliance with MCL 500.3476 is suspended only to the extent necessary to effectuate this section.

2. Health care providers must abide by applicable guidance issued by the Substance Abuse and Mental Health Services Administration ("SAMHSA"), the Centers for Medicare and Medicaid Services ("CMS"), Centers for Disease Control and Prevention ("CDC"), and the Drug Enforcement Agency ("DEA") when providing telehealth services. Strict compliance with Rules of the Michigan Administrative Code that apply to substance use disorder services programs licensed under part 62 of the Public Health Code, 1978 PA 368, as amended, MCL 333.6230 *et seq.*, is temporarily suspended only to the extent necessary to effectuate this section.

3. A controlled substance license issued under part 73 of the Public Health Code, MCL 333.7301 *et seq.*, is sufficient to authorize a licensee to prescribe, administer, or dispense a controlled substance to treat a drug-dependent person enrolled in a drug treatment and rehabilitation program, regardless of whether the program is in-patient, out-patient, office-based, or another format. Strict compliance with article 7 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7101 *et seq.*, and Rules 338.3132(1)(f), 338.3163(1)(a), and 338.3170(2) of the Michigan Administrative Code is suspended only to the extent necessary to effectuate this section.

4. Upon a determination by a health care provider that an in-person evaluation, examination, or visitation is not feasible due to the COVID-19 pandemic, the use of two-way interactive video technology satisfies the requirement of an in-person evaluation, examination, or visitation under article 5, part 3 of the Estates and Protected Individuals Code, MCL 700.5301 *et seq.*, and chapters 4, 4A, 5, and 10 of the Mental Health Code, 1974 PA 258, MCL 330.1400 *et seq.*, MCL 330.1498a *et seq.*, MCL 330.1500 *et seq.*, and MCL 330.2000 *et seq.* If no two-way interactive video technology is available, and a health care provider determines that another remote participation tool is clinically appropriate, the use of that remote participation tool satisfies this requirement.

5. The restrictions of MCL 500.3476 requiring telehealth services to be provided by a health care professional who is licensed, registered, or otherwise authorized to engage in his or her health care profession in the state where the patient is located is hereby suspended to the extent necessary to allow a medical professional licensed and in good standing to practice in a state other than Michigan to use telehealth when treating patients in Michigan without a license to practice medicine in Michigan. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. A license that is subject to a limitation or restriction in another state is subject to the same limitation or restriction in this state.

6. Strict compliance with sections 3(a)(1) and 3(q)(2) of the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 26423(a)(1) and (q)(2), is suspended only to the extent necessary to allow relevant medical evaluations to be conducted via telemedicine.

7. Definitions.

(a) As used in this order, "telehealth" has the meaning provided in section 16283(c) of the public health code, MCL 333.16283(c).

(b) As used in this order, "health care providers" includes health professionals licensed under articles 7 and 15 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7101 *et seq.* and 333.16101 *et seq.*; "health facilities or agencies," as that term is defined in section 20106(1) of the Public Health Code, MCL 333.20106(1); psychiatric hospitals and units licensed under section 134 of the Mental Health Code, MCL 330.1134; health care employers, state-owned surgical centers, state-operated psychiatric hospitals, state-owned facilities, state-owned veterans facilities; and substance use disorder services licensed under part 62 of the Public Health Code, MCL 333.6201 *et seq.*

(c) As used in this order, "medical professional" means a person licensed in a state other than Michigan who holds a license in that state for a profession that is licensed in article 7 or 15 of the Public Health Code, MCL 333.7101 *et seq.* or 333.16101 *et seq.*

(d) As used in this order, "state" means any of the fifty sovereign American states or the District of Columbia.

8. This order supersedes any order issued by a local health department to the extent that it conflicts with this order.

9. Executive Order 2020-86 is rescinded.

10. This order is effective immediately and remains in effect during any state of emergency or state of disaster arising out of the COVID-19 pandemic.

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

Date: June 29, 2020
Time: 8:17 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-139

Naming the “Elliott-Larsen Building”

Michigan law enshrines certain civil rights and protections against discrimination. Section 2 of article 1 of the Michigan Constitution of 1963 provides that “[n]o person shall . . . be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.” This section further obligates the legislature to implement this right by legislation. In 1976 the people of Michigan, led by Daisy Elliott, a former Democratic member of the Michigan House of Representatives, and Melvin Larsen, a former Republican member of the Michigan House of Representatives, made a down payment on this promise with passage of Public Act 453.

This Act, known as the Elliott-Larsen Civil Rights Act, declared that the right to be free from discrimination is a civil right and expanded the above constitutional protections to a broader class of individuals. In particular, the 1976 Act provided as follows:

The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

1976 PA 453, subsequently amended by 1992 PA 124, MCL 37.2102(1).

In addition to defining “civil rights” and expanding the scope of the protection provided by Michigan’s constitution, the Act gave the Civil Rights Commission a means to investigate and address complaints of discrimination and gave individuals the right to seek relief from the courts. MCL 37.2601–2606; MCL 37.2801. Thanks to Representatives Elliott and Larsen, and those who supported their effort, the protection of civil rights in Michigan took a giant step forward. For this reason, Michigan is grateful.

The naming of state-owned buildings is a means to honor the contributions of some of Michigan’s most exceptional citizens and public servants. It is also an expression of values. For example, the legislature, in 2005 PA 209, renamed the Treasury Building in honor of Richard H. Austin who was Michigan’s first African American certified public accountant and the first African American elected to a statewide office in the executive branch when Michiganders chose him to be Secretary of State in 1970. Later, in 2012 PA 486, the legislature named the walkway between the Michigan Hall of Justice and the Capitol Building as the Frank J. Kelley Walkway in honor of Attorney General Kelley’s 37 years of service. In addition to the above honors bestowed by the legislature, Governor Engler, in Executive Order 1991-26, ordered that the state-owned building located at 608 West Allegan Street in Lansing be named “the John A. Hannah Building” in honor of the renowned former president of Michigan State University and administrator of the United States Agency for International Development.

Likewise, I find it fitting to honor Melvin Larsen and the late Daisy Elliott. Together, their names have become synonymous in Michigan with the protection of civil rights. To memorialize their achievement and what it means for all Michiganders—and to remind us of the work that remains—this order extends honors similar to those bestowed on Richard H. Austin, Frank J. Kelley, John A. Hannah, and other extraordinary civil servants.

As directed below, this order renames the Lewis Cass Building as the Elliott-Larsen Building. No one can deny the important role that Lewis Cass (1782-1866) played in Michigan's and this nation's early history. But the names we elevate express our values: to the workers who enter those halls every day and to the public who those workers serve. Cass owned a slave; defended a system to permit the expansion of slavery; and implemented a policy that forcibly removed Native Americans from their tribal lands. Today's order is a small, but meaningful step forward as we seek to better express our shared values.

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

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department under the supervision of the governor unless otherwise provided by the constitution.

Consistent with the above and acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. In honor of Daisy Elliott's and Melvin Larsen's efforts to protect the civil rights of the people of this state, the state-owned office building that is currently known as the Lewis Cass Building and is located at 320 South Walnut Street, Lansing, MI 48933, will hereafter be named the "Elliott-Larsen Building."

2. This order is effective immediately and the Department of Management, Technology and Budget will begin efforts to implement this order and update the signage of the Elliott-Larsen Building as soon as practicable.

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

Date: June 30, 2020

Time: 9:45 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-140

Temporary suspension of youth work permit application requirements

Rescission of Executive Order 2020-116

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[er] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

Every summer, many of our state’s young residents seek employment in order to earn money, gain valuable work experience, and contribute to the state economy. Compliance with certain procedures related to obtaining work permits and supporting documentation from school personnel has become prohibitively difficult with school buildings being closed for instructional purposes. Young Michiganders constitute an important part of the summer workforce, especially because the COVID-19 pandemic requires that many workers stay home when experiencing symptoms or because they are part of a vulnerable population.

Certain aspects of the Youth Employment Standards Act, such as the requirement to use certain kinds of colored paper, require in-person interactions that could spread COVID-19. Executive Order 2020-79 temporarily suspended these requirements. Executive Order 2020-116 extended that relief, and this order extends it further, because it continues to be reasonable and necessary to mitigate the spread of COVID-19, protect public health, and provide protections to vulnerable Michiganders of all ages. With this order, Executive Order 2020-116 is rescinded.

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

1. Strict compliance with section 5 of the Youth Employment Standards Act, 1978 PA 90, MCL 409.105, is temporarily suspended to the extent it requires an application of a work permit to be made in person. An issuing officer may accept and examine a work permit application (including any accompanying materials) submitted by alternative means including mail, e-mail, fax, or web-based form. Issuing officers must make information on how such application materials may be submitted publicly available.

2. Strict compliance with section 6 of the Youth Employment Standards Act, MCL 409.106, is temporarily suspended such that the color of work permits for minors under 16 years of age does not need to be distinct from that of work permits for minors 16 years of age and over.

3. Executive Order 2020-116 is rescinded.

4. 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 30, 2020

Time: 2:25 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-141

**Providing alternative notice of public hearings under
Michigan's tax abatement statutes**

Rescission of Executive Order 2020-103

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.

It has long been the public policy of this state that, in certain circumstances, tax-based incentives can be properly used to bring about change that is beneficial to the public as a whole. To this end, the Legislature has enacted several statutes that operate as tax abatements. In these statutes, the Legislature has authorized certain local governmental units to create tax abatement districts within which certain properties can receive some form of property tax exemption. But before a tax abatement district can be created and before property

can be approved for a tax exemption, the responsible local governmental unit is required to conduct a public hearing and provide notice of the hearing to multiple parties including individuals, public officials, and other municipalities. This provision of such notice ensures that all persons affected by the local governmental unit's decision-making have an opportunity to be heard in that decision-making process.

Strict compliance with the notice requirements of certain tax abatement statutes would require dozens of staff to work in-person to complete the hundreds of mailings required, increasing in-person interactions and putting people at risk. In order to reduce in-person work and minimize the risk of transmission of COVID-19, I find it reasonable and necessary to provide temporary alternative means for satisfying those statutory notice requirements. Executive Order 2020-103 provided those alternative means. This order extends their duration, as it remains reasonable and necessary to reduce in-person work and minimize the risk of transmission of COVID-19. With this order, Executive Order 2020-103 is rescinded.

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

1. Consistent with Executive Order 2020-129, or any order that follows it, any public hearing that is required to take place under a tax abatement statute may be held electronically, including by telephonic conferencing or video conferencing, in a manner that allows all persons and entities entitled to notice under the applicable tax abatement statute to participate by electronic means.

2. Strict compliance with any requirement under a tax abatement statute to provide notice of a public hearing is temporarily suspended to allow for the responsible local governmental units to provide notice of public hearings in the following manner:

(a) To ensure that notice is provided to any real property owners within a proposed tax abatement district that are entitled to notice, the local governmental unit must publish in three successive issues of a generally circulated newspaper serving the proposed tax abatement district where available, or if no such newspaper is available, by the posting of the notice in five conspicuous places in the proposed tax abatement district.

(b) To ensure that notice is provided to any required taxing jurisdiction, assessor, or other public official that is entitled to receive notice under the particular tax abatement statute, the local governmental unit may provide notice via email to the appropriate governmental or business email address.

(c) To ensure that notice is provided to the general public, the local governmental unit must:

(1) Post notice of the public hearing in a prominent and conspicuous place at both the public body's principal office; and

(2) Post notice of the public hearing on a portion of the local governmental unit's website that is fully accessible to the public, if the local governmental unit directly or indirectly maintains an official internet presence. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings.

3. Section 2 of this order does not prevent a local governmental unit from providing notice in the manner prescribed by the relevant tax abatement statute if the local governmental unit is able to do so safely and consistently with workplace standards enacted in accordance with Executive Order 2020-114, or any order that follows it.

4. Without regard to whether the local governmental unit provided notice in the manner required by the relevant tax abatement statute or in the manner set forth in section 2 of this order, notice of a public hearing required by a tax abatement statute that will be conducted electronically in accordance with Executive Order 2020-129, or any order that follows it, must include each of the following:

(a) An explanation of the reason why the public body is meeting electronically.

(b) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.

(c) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.

(d) Procedures by which persons with disabilities may participate in the meeting.

5. This order does not change or otherwise affect the time requirements for notice of public hearings in any tax abatement statute.

6. A person is considered to have been provided the notice and opportunity to be heard required by a tax abatement statute if the local governmental unit followed the procedures set forth above in sections 2 and 3 of this order. Failure to strictly comply with the procedures set forth in sections 2 and 3 of this order does not by itself constitute grounds to invalidate an action taken by a local governmental unit under a tax abatement statute.

7. To the extent that this order creates a conflict with any requirement set by a local governmental unit's charter or ordinances, the provisions of this order control.

8. As used in this order:

(a) The term “local governmental unit” means a political subdivision of this state that is authorized to create an abatement district, reduce the level of taxation on a certain property, or exempt certain property from taxation, under a tax abatement statute. Additionally, for the purposes of the Plant Rehabilitation and Industrial Development Districts Act, it also includes a Next Michigan development corporation as that term is defined in section 3 of the Next Michigan Development Act, MCL 125.2953.

(b) The term “tax abatement district” means any district that can be created by a local governmental unit in a tax abatement statute within which certain property may be eligible for a property tax exemption.

(c) The term “tax abatement statute” means one of the following statutes that allows for a reduction in, or an exemption of, the level of taxation ordinarily imposed on property in this state: the Obsolete Property Rehabilitation Act, MCL 125.2781 *et seq.*, the Neighborhood Enterprise Zone Act, MCL 207.771 *et seq.*, the Commercial Rehabilitation Act, MCL 207.841 *et seq.*, the Commercial Redevelopment Act, MCL 207.651 *et seq.*, and the Plant Rehabilitation and Industrial Development Districts Act, MCL 207.551 *et seq.*

9. Executive Order 2020-103 is rescinded.

10. This order is effective immediately and continues through July 31, 2020.

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

Date: June 30, 2020

Time: 2:32 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-142

Provision of preK–12 education for the 2020–2021 school year

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 suppress the spread of COVID-19 and prevent the state’s health care system from becoming overwhelmed, it was reasonable and necessary on March 13, 2020 to issue Executive Order 2020-5, which temporarily closed schools. That order was followed by Executive Order 2020-35 on April 2, 2020, and then Executive Order 2020-65 on April 30, 2020, closing in-person instruction for the remainder of the school year and providing for continuity of learning plans. Although the virus has remained aggressive and persistent, those orders were a key piece of the infection-suppression strategy that curtailed the spread of the COVID-19 in Michigan. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly equivalent to the national average.

This executive order provides a structure to support all schools in Michigan as they plan for a return of preK-12 education in the fall. Under the order, school districts must adopt a COVID-19 Preparedness and Response Plan laying out how they will cope with the disease across the various phases of the Michigan Safe Start Plan. In turn, the accompanying Michigan Return to School Roadmap offers a guide to the types of safety protocols appropriate during each phase. There’s no one-size-fits-all solution: what works in Lansing may not work in Sault Sainte Marie. Districts will retain flexibility to tailor their instruction to their particular needs and to the disease conditions present in their regions.

In the coming weeks and months, I will be working closely with the legislature to develop a comprehensive return-to-school plan that meets the needs of Michigan students while protecting students, families, and communities from the risk of infection. In the meantime, this executive order and the Return to School Roadmap will provide the scaffolding for districts to develop their plans for getting our kids back in the classroom.

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

1. Coronavirus relief funds under the Coronavirus Aid, Relief, and Economic Security Act will be provided and may be used for districts to aid in developing, adopting, and following a COVID-19 Preparedness Plan under section 2 of this order.

2. **Preparedness Plan.** Every school district and nonpublic school must develop and adopt a COVID-19 Preparedness and Response Plan (“Preparedness Plan”) that is informed by the Michigan Return to School Roadmap from the COVID-19 Task Force on Education and Return to School Advisory Council (“Return to School Roadmap”). The plan must, at a minimum:

(a) Describe the policies and procedures that the district will follow when the region in which the district is located is in Phase 1, 2, or 3 of the Michigan Safe Start Plan. (Nonpublic schools are exempt from this subsection.) Those policies and procedures must, at a minimum:

(1) Require the closure of school buildings to anyone except:

(A) District employees or contractors necessary to conduct minimum basic school operations consistent with a Preparedness Plan, including those employers or contractors necessary to facilitate alternative modes of instruction, such as distributing materials and equipment, or performing other necessary in-person functions.

(B) Food-service workers preparing food for distribution to students or their families.

(C) Licensed child-care providers and the families that they serve.

(2) Suspend athletics, after-school activities, inter-school activities (e.g., debate competitions), and busing.

- (3) Offer alternative modes of instruction other than in-person instruction and a summary of materials each student and the student's parents or guardians will need to meaningfully access the alternative modes of instruction included in the Preparedness Plan. If the Preparedness Plan relies on electronic instruction, the Preparedness Plan must consider how the district will aid students who lack access to computers or to the internet.
- (4) Provide for the continuation of food distribution to eligible students.
- (5) Provide for the continued pay of school employees while redeploying staff to provide meaningful work in the context of the Preparedness Plan, subject to any applicable requirements of a collective bargaining agreement.
- (b) Describe the policies and procedures that the district will follow when the region in which the district is located is in Phase 4 of the Michigan Safe Start Plan. Those policies and procedures must, at a minimum:
 - (1) Require the wearing of face coverings, except during meals and unless face coverings cannot be medically tolerated, for:
 - (A) All staff and all students in grades pre-kindergarten and up when on a school bus.
 - (B) All staff and all students in grades pre-kindergarten and up when in indoor hallways and common areas.
 - (C) All staff when in classrooms.
 - (D) All students in grades 6 and up when in classrooms.
 - (E) All students in grades kindergarten through 5 unless students remain with their classes throughout the school day and do not come into close contact with students in another class.
 - (2) Prohibit indoor assemblies that bring together students from more than one classroom.
 - (3) Incorporate the Return to School Roadmap's required protocols governing hygiene, cleaning, athletics, screening, testing protocols, and busing and student transportation.
- (c) Describe the policies and procedures that the district will follow when the region in which the district is located is in Phase 5 of the Michigan Safe Start Plan.
- (d) Address each subpart of the Return to School Roadmap and indicate if a school plans to exclude any protocol that is highly recommended.

3. Preparation and Approval.

(a) If a district lacks the capacity to implement a Preparedness Plan on its own, a district may partner with one or more other districts or intermediate districts. A district may enter into one or more cooperative agreements under section 11a(4) of the Revised School Code, MCL 380.11a(4), to provide for implementation of a Preparedness Plan.

(b) By August 15, 2020 or seven days before the start of the school year for students, whichever comes first:

- (1) The local school district board (or, for public school academies, the public school academy board of directors) must approve a district's Preparedness Plan.
- (2) The chief or designated administrator of a nonpublic school must approve a nonpublic school's Preparedness Plan.
- (c) By August 17, 2020:
 - (1) Intermediate school districts must collect Preparedness Plans from all of the school boards of their constituent districts and transmit such plans, at the same time to the extent possible, to the Superintendent of Public Instruction ("Superintendent") and to the State Treasurer.
 - (2) Authorizing bodies must collect plans from all of the public school academy boards of directors that they authorize and transmit such plans, at the same time to the extent possible, to the Superintendent and to the State Treasurer.
 - (3) The chief or designated administrator of a nonpublic school must transmit copies of approved Preparedness Plans to the Superintendent.
- (d) By August 17, 2020, districts and nonpublic schools must prominently post their approved Preparedness Plans on the home page of their public internet sites.

4. Special Education

(a) When a district provides in-person instruction to its students without disabilities, the district must also provide in-person instruction to its students with disabilities, consistent with their individualized education plans.

(b) When schools are closed to in-person instruction, districts must strive in good faith and to the extent practicable, based upon available resources, technology, training, and curriculum, as well as the circumstances presented by COVID-19, to provide equal access to any alternative modes of instruction to students with disabilities from birth through age 26. This includes the provision of auxiliary services under section 1296 of the Revised School Code, MCL 380.1296.

(c) While any state of emergency or disaster related to the COVID-19 pandemic continues, districts shall comply with guidance from the United States Department of Education, including its Office of Civil Rights

and Office of Special Education and Rehabilitative Services, and the Michigan Department of Education concerning the delivery of alternative modes of instruction to students with disabilities in light of the impact of COVID-19.

(d) Districts shall, to the extent practicable and necessary, make individualized determinations whether and to what extent compensatory services may be needed for students in light of the school closures during the 2019–2020 school year.

(e) The state will not penalize a district or a nonpublic school that has been allocated federal funds for the purpose of providing special education services due to a school's inability to provide those services on account of a school closure prompted by a COVID-19 state of emergency or disaster.

5. Federally Required Assessments. By July 15, 2020, the Superintendent is strongly encouraged to request by letter that the U.S. Department of Education waive the requirement that Michigan students take assessments as a condition of continued receipt of funding under the Every Student Succeeds Act.

6. Implementation.

(a) All provisions of Executive Order 2020-65 suspending strict compliance with the School Aid Act or the Revised School Code for the 2019–2020 school year—including all provisions in Part I(2) through Part I(13) and all provisions in Parts IV, VII, VIII, and IX—remain in effect through the fiscal year ending September 30, 2020.

(b) Except as provided for in subsection (a) of this section, Executive Order 2020-65 is rescinded.

(c) The limitation on the size of indoor social gatherings and events in section 5 of Executive Order 2020-110 or any executive order that may follow from it does not apply to students in a classroom setting.

(d) All schools, public and private, are subject to the rules governing workplace safeguards established in section 1 of Executive Order 2020-114.

(e) For purposes of this order, a district that straddles regions will be treated as if it were located solely in the region designated as higher risk.

(f) All schools, public and private, must cooperate with the local public health department if a confirmed case of COVID-19 is identified, and in particular must collect the contact information for any close contacts of the affected individual from two days before he or she showed symptoms to the time when he or she was last present at the school.

(g) A district or nonpublic school without an approved Preparedness Plan is not permitted to open or to continue in operation for in-person instruction for the 2020–2021 school year.

(h) To mitigate the impact of COVID-19 on educational outcomes, a district may adopt year-round school or a year-round program for the 2020–2021 school year or start the 2020–2021 school year before the first Monday in September.

(i) Any closure of schools relating to COVID-19 shall not affect an employer contribution, employee contribution, or the accrual of service credit under the Public School Employees Retirement Act of 1979, 1980 PA 300, as amended, MCL 38.1301 to 38.1467.

(j) For a district with a collective bargaining agreement, this order must be implemented by the district in a manner consistent with the collective bargaining agreement.

(k) When the Michigan Department of Education or the Superintendent issues a waiver or suspends an administrative rule pursuant to this order or Executive Order 2020-65, the Superintendent must provide the governor in writing with a copy of the waiver and information relating to the issuance or suspension. Any waiver issued by the Superintendent under Part VII of Executive Order 2020-65 continues in effect through the end of the fiscal year unless otherwise rescinded by the Superintendent.

7. Definitions.

(a) “Alternative modes of instruction” means modes of student instruction, other than in-person instruction, that may include, without limitation, partnerships with other districts or intermediate districts or community colleges or institutions of higher education, use of vendors, use of online learning, telephone communications, email, virtual instruction, videos, slideshows, project-based learning, use of instructional packets, or a hybrid of multiple modes of learning that still promote recommended practices for social distancing to mitigate the spread of COVID-19.

(b) “District” means a school district established under the Revised School Code or a public school academy. “District” does not include an intermediate district, except for an intermediate district that educates PreK–12 students.

(c) “Intermediate district” means an intermediate school district established under part 7 of the Revised School Code, MCL 380.601 to 380.705b.

(d) “Public school academy” means that term as defined in section 5 of the Revised School Code, MCL 380.5.

(e) “Superintendent of Public Instruction” or “Superintendent” means the superintendent of public instruction described in section 3 of article 8 of the Michigan Constitution of 1963.

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

Date: June 30, 2020

Time: 2:51 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message from the Governor was received on July 2, 2020, and read:

EXECUTIVE ORDER
No. 2020-143

Closing indoor service at bars

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 suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective. Although the virus remains aggressive and persistent—on June 30, 2020, Michigan reported 373 new confirmed cases—the strain on our health care system has relaxed, even as our testing capacity has increased. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly equivalent to the national average.

Our progress in suppressing COVID-19, however, appears to have stalled out. Over the past week, every region in Michigan has seen an uptick in new cases, and daily case counts now exceed 20 cases per million in the Grand Rapids, Lansing, and Kalamazoo regions. A relatively large proportion of these new cases are occurring among young people: nearly one quarter of diagnoses in June were in people aged 20 to 29, up from roughly 16% in May. That shift aligns with national trends.

As bars have reopened for indoor service across the country, they have been linked to a growing number of large outbreaks—especially among young people. Here in Michigan, for example, health officials in Ingham County have linked 107 confirmed COVID-19 cases to an outbreak in a single bar in East Lansing. Similar super-spreader events have been documented in bars in Florida, Louisiana, Texas, and elsewhere.

Bars have many features that facilitate the spread of COVID-19: they are often crowded, indoors, and poorly ventilated. They encourage mingling among groups and facilitate close contact over an extended period of time. They are noisy, requiring raised voices and allowing for more projection of viral droplets. And they serve alcohol, which reduces inhibitions and decreases compliance with mask use and physical distancing rules. As Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, said yesterday in a hearing before the U.S. Senate, “Congregation at a bar, inside, is bad news.”

To protect our state from a new wave of infections and to increase the likelihood that we can reopen schools in the fall, this order closes bars and nightclubs for indoor service in those regions that are in Phase 4 of the Michigan Safe Start Plan. Restaurants can remain open for indoor service, but alcohol can be served only to patrons who are seated at socially distanced tables. Common areas where people stand and congregate within restaurants must be closed. Restaurants and bars may remain open for outdoor seating, but only for seated customers at socially distanced tables.

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

1. Food service establishments, as defined in section 1107(t) of the Michigan Food Law, 2000 PA 92, as amended, MCL 289.1107(t), that hold on-premises retailer licenses to sell alcoholic beverages must close for indoor service if they earn more than 70% of their gross receipts from sales of alcoholic beverages.

2. Any food service establishment that serves alcoholic beverages for on-premises consumption must, both indoors and outdoors:

(a) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering);

(b) Require patrons to remain seated at their tables or bar tops, except to enter or exit the premises, to order food, or to use the restroom;

(c) Sell alcoholic beverages only via table service, not via orders at the bar except to patrons seated at the bar;

(d) Prohibit access to common areas in which people can congregate, dance, or otherwise mingle; and

(e) Follow all of the applicable workplace safeguards established in Executive Order 2020-114 and any order that may follow from it, including the provisions limiting capacity to 50% of normal seating and requiring six feet of separation between parties or groups at different tables or bar tops.

3. Food service establishments that are closed for indoor service under section 1 of this order but open for outdoor service must:

(a) Prohibit patrons from entering the establishment, except to walk through in order to access the outdoor area, to leave the establishment, or to use the restroom; and

(b) Require patrons to wear a face covering while inside, except for patrons who are unable medically to tolerate a face covering.

4. Dance and topless activity permits issued under subsections 2 or 3 of section 916 of the Michigan Liquor Control Code, 1998 PA 58, as amended, MCL 436.1916(2) and (3), are temporarily suspended. Combination dance–entertainment permits and topless activity–entertainment permits issued under subsection 4 of section 916 of the Michigan Liquor Control Code, MCL 436.1916(4), are suspended to the extent they allow dancing and topless activity, but remain valid to the extent they allow other entertainment.

5. In enforcing the Michigan Liquor Control Code, the Michigan Liquor Control Commission will consider whether the public health, safety or welfare requires summary, temporary suspension of a license under section 92 of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2).

6. For purposes of calculating its percentage of gross receipts from sales of alcoholic beverages under section 1, a food service establishment must use:

(a) Gross receipts from 2019; or

(b) If the establishment was not in operation in 2019, gross receipts from the date the establishment opened in 2020.

7. Nothing in this order should be taken to prevent food service establishments from selling alcoholic beverages for off-premises consumption to patrons who are not seated at a table, or to require such patrons to remain seated when ordering such beverages.

8. Nothing in this order should be taken to prevent the holder of a social district license under section 551 of the Michigan Liquor Control Code, 1998 PA 58, as amended by Enrolled House Bill 5781 (100th Legislature, Regular Session of 2020), to be codified at MCL 436.1551:

(a) From selling alcoholic beverages for consumption in a commons area within a designated social district to patrons who are not seated at a table; or

(b) To require such patrons to remain seated when ordering such beverages.

9. Nothing in this order should be taken to limit the authority of local health departments to adopt more stringent measures to curtail the spread of COVID-19 at food service establishments.

10. This order does not apply in Regions 6 and 8, as those regions are defined by section 1 of Executive Order 2020-110 or any order that follows from it.

11. This order takes effect at 11:00 p.m. on July 1, 2020.

12. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

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

Date: July 1, 2020

Time: 3:31 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message from the Governor was received on July 8, 2020, and read:

EXECUTIVE ORDER
No. 2020-144

Restoring water service to occupied residences during the COVID-19 pandemic

Rescission of Executive Order 2020-28

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.

Staying home remains the safest way to avoid the virus. Moreover, it is crucial that all Michiganders can access clean water in their homes and wash their hands thoroughly and regularly. Now more than ever, the provision of clean water to residences is essential to human health and hygiene, and to the public health and safety of this state. Many water utilities have already suspended water shutoffs during this difficult time. Due to the vital need for Michigan residents to have access to clean water at home during the COVID-19 pandemic, it is reasonable and necessary to require the restoration of clean water to residences across the State of Michigan throughout this state of emergency. And because it is also vitally important for state government to have up-to-date and accurate information regarding access to clean water, it is reasonable and necessary to require public water supplies to report on the status of water service within their respective service areas.

Executive Order 2020-28 established these necessary measures. This order extends and clarifies their duration, as it remains necessary for Michigan residents to have access to clean water and for our state government to have accurate information about such access. With this order, Executive Order 2020-28 is rescinded.

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

1. A public water supply must restore water service to any occupied residence where water service has been shut off due to non-payment, so long as the public water supply does not have reason to believe that reconnection would create a risk to public health (e.g., due to cross-contamination). To facilitate the restoration of water service, a public water supply must immediately make best efforts to determine which occupied residences within their service areas do not have water service. For purposes of this order, a public water supply's "service area" means the area for which the public water supply collects payment for water service.

2. If a public water supply determines that any occupied residences within its service area have had water service shut off for any reason other than non-payment or that reconnection would create a risk to public

health, it must make best efforts to remedy such conditions and restore water service to such occupied residences as soon as possible.

3. Any public water supply that has not submitted a report that meets all of the requirements described in section 3 of Executive Order 2020-28 must submit a supplemental report every 30 days until it submits a report that meets all of those requirements. The requirements are as follows:

(a) An account of what efforts have been made to determine which occupied residences within the public water supply's service area do not have water service.

(b) The number of occupied residences within the public water supply's service area that do not have water service as a result of a shutoff due to non-payment.

(c) The number of occupied residences within the public water supply's service area that do not have water service as a result of any reason other than non-payment.

(d) A certification, if true, that best efforts have been exercised to determine which occupied residences within the service area do not have water service; that, to the best of the public water supply's knowledge, no occupied residences have their water service shut off due to non-payment; that the public water supply has reconnected water service for all occupied residences that can be reconnected without creating a potential risk to public health; and that the public water supply has exercised best efforts to remedy the conditions that prevent reconnection due to a risk to public health.

4. Nothing in this order abrogates the obligation of a resident to pay for water, prevents a public water supply from charging any customer for water service, or reduces the amount a resident may owe to a public water supply.

5. Executive Order 2020-28 is rescinded.

6. This order is effective immediately and continues until December 31, 2020 at 11:59 p.m.
Given under my hand and the Great Seal of the State of Michigan.

Date: July 8, 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.

Senator Schmidt entered the Senate Chamber.

The following message from the Governor was received on July 9, 2020, and read:

EXECUTIVE ORDER
No. 2020-145

Safeguards to protect Michigan's workers from COVID-19

Rescission of Executive Order 2020-114

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 suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective. Although the virus remains aggressive and persistent—on July 8, Michigan reported a total of 67,237 confirmed cases and 6,015 deaths—the strain on our health care system has relented, even as our testing capacity has increased. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly equivalent to the national average.

Our progress in suppressing COVID-19, however, appears to have stalled out. Over the past week, every region in Michigan has seen an uptick in new cases, and daily case counts now exceed 20 cases per million in the Grand Rapids, Lansing, and Kalamazoo regions. A relatively large proportion of these new cases are occurring among young people: nearly one quarter of diagnoses in June were in people aged 20 to 29, up from roughly 16% in May. That shift aligns with national trends.

In particular, businesses must do their part to protect their employees, their patrons, and their communities. Many businesses have already done so by implementing robust safeguards to prevent viral transmission. But we can and must do more: no one should feel unsafe at work. With Executive Orders 2020-91, 2020-97, and 2020-114, I created workplace standards that apply to all businesses across the state.

I am now amending those standards to make a series of changes. First, and most significantly, I have created new workplace rules governing meat and poultry processing plants. As the Centers for Disease Control and Prevention have recently confirmed [https://www.cdc.gov/mmwr/volumes/69/wr/mm6927e2.htm?s_cid=mm6927e2_e&deliveryName=USCDC_921-DM32454], these plants have been the source of a number of outbreaks both in Michigan and across the nation. Second, the order omits sections that have been enjoined by a Michigan court and clarifies that violating any part of this executive order constitutes a misdemeanor. Third, the order requires all businesses and operations to provide any

communication and training on COVID-19 in the languages that are common in their employee population. Fourth, the order updates the rules on restaurants and bars to track new safeguards added by Executive Order 2020-143. With this order, Executive Order 2020-114 is rescinded.

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

1. All businesses or operations that require their employees to leave the homes or residences for work must, at a minimum:

(a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration (“OSHA”) and available here [<https://www.osha.gov/Publications/OSHA3990.pdf>]. Within two weeks of resuming in-person activities, a business’s or operation’s plan must be made readily available to employees, labor unions, and customers, whether via website, internal network, or by hard copy.

(b) Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed under subsection (a). The supervisor must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.

(c) Provide COVID-19 training to employees that covers, at a minimum:

(1) Workplace infection-control practices.

(2) The proper use of personal protective equipment.

(3) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.

(4) How to report unsafe working conditions.

(d) Provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.

(e) Place posters in the languages common in the employee population that encourage staying home when sick, cough and sneeze etiquette, and proper hand hygiene practices.

(f) Conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.

(g) Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.

(h) Provide non-medical grade face coverings to their employees, with supplies of N95 masks and surgical masks reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.

(i) Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.

(j) Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.

(k) Increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).

(l) Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.

(m) Make cleaning supplies available to employees upon entry and at the worksite and provide time for employees to wash hands frequently or to use hand sanitizer.

(n) When an employee is identified with a confirmed case of COVID-19:

(1) Immediately notify the local public health department, and

(2) Within 24 hours, notify any co-workers, contractors, or suppliers who may have come into contact with the person with a confirmed case of COVID-19.

(o) An employer will allow employees with a confirmed or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the Centers for Disease Control and Prevention (“CDC”) and they are released from any quarantine or isolation by the local public health department.

(p) Follow Executive Order 2020-36, and any executive orders that follow it, that prohibit discharging, disciplining, or otherwise retaliating against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19.

(q) Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the workplace to allow for deep cleaning.

- (r) Restrict business-related travel for employees to essential travel only.
 - (s) Encourage employees to use personal protective equipment and hand sanitizer on public transportation.
 - (t) Promote remote work to the fullest extent possible.
 - (u) Adopt any additional infection-control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.
2. Businesses or operations whose work is primarily and traditionally performed outdoors must:
- (a) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.
 - (b) Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another.
 - (c) Provide and require the use of personal protective equipment such as gloves, goggles, face shields, and face coverings, as appropriate for the activity being performed.
 - (d) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.
3. Businesses or operations in the construction industry must:
- (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.
 - (b) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in sub-provision (b) of this section, or in the alternative issue stickers or other indicators to employees to show that they received a screening before entering the worksite that day.
 - (c) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled face coverings.
 - (d) Require the use of work gloves where appropriate to prevent skin contact with contaminated surfaces.
 - (e) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.
 - (f) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees.
 - (g) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among employees at the worksite.
 - (h) Restrict unnecessary movement between project sites.
 - (i) Create protocols for minimizing personal contact upon delivery of materials to the worksite.
4. Manufacturing facilities must:
- (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.
 - (b) Create dedicated entry point(s) at every facility for daily screening as provided in sub-provision (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.
 - (c) Suspend all non-essential in-person visits, including tours.
 - (d) Train employees on, at a minimum:
 - (1) Routes by which the virus causing COVID-19 is transmitted from person to person.
 - (2) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
 - (3) The use of personal protective equipment, including the proper steps for putting it on and taking it off.
 - (e) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.
 - (f) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of employees in the facility at the same time.
 - (g) Stagger meal and break times, as well as start times at each entrance, where possible.
 - (h) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
 - (i) Create protocols for minimizing personal contact upon delivery of materials to the facility.
 - (j) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
 - (k) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue use of hand dryers.
 - (l) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.

(m) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.

(n) Require employees to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.

(o) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because he or she is displaying symptoms of COVID-19.

5. Research laboratories, but not laboratories that perform diagnostic testing, must:

(a) Assign dedicated entry point(s) and/or times into lab buildings.

(b) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(c) Create protocols and/or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan.

(d) Suspend all non-essential in-person visitors until further notice.

(e) Establish and implement a plan for distributing face coverings.

(f) Limit the number of people per square feet of floor space permitted in a particular laboratory at one time.

(g) Close open workspaces, cafeterias, and conference rooms.

(h) As necessary, use tape on the floor to demarcate socially distanced workspaces and to create one-way traffic flow.

(i) Require all office and dry lab work to be conducted remotely.

(j) Minimize the use of shared lab equipment and shared lab tools and create protocols for disinfecting lab equipment and lab tools.

(k) Provide disinfecting supplies and require employees to wipe down their work stations at least twice daily.

(l) Implement an audit and compliance procedure to ensure that cleaning criteria are followed.

(m) Establish a clear reporting process for any symptomatic individual or any individual with a confirmed case of COVID-19, including the notification of lab leaders and the maintenance of a central log.

(n) Clean and disinfect the work site when an employee is sent home with symptoms or with a confirmed case of COVID-19.

(o) Send any potentially exposed co-workers home if there is a positive case in the facility.

(p) Restrict all non-essential work travel, including in-person conference events.

6. Retail stores that are open for in-store sales, as well as libraries and museums, must:

(a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.

(b) Establish lines to regulate entry in accordance with subsection (c) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.

(c) Except in Regions 6 and 8, adhere to the following restrictions:

(1) Stores of less than 50,000 square feet of customer floor space must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal.

(2) Stores of more than 50,000 square feet must:

(A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.

(B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions such as heart disease, diabetes, and lung disease.

(3) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.

(d) Post signs at store entrance(s) instructing customers of their legal obligation to wear a face covering when inside the store.

(e) Post signs at store entrance(s) informing customers not to enter if they are or have recently been sick.

(f) Design spaces and store activities in a manner that encourages employees and customers to maintain six feet of distance from one another.

(g) Install physical barriers at checkout or other service points that require interaction, including plexiglass barriers, tape markers, or tables, as appropriate.

(h) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.

(i) Train employees on:

- (1) Appropriate cleaning procedures, including training for cashiers on cleaning between customers.
- (2) How to manage symptomatic customers upon entry or in the store.

(j) Notify employees if the employer learns that an individual (including a customer or supplier) with a confirmed case of COVID-19 has visited the store.

(k) Limit staffing to the minimum number necessary to operate.

7. Offices must:

(a) Assign dedicated entry point(s) for all employees to reduce congestion at the main entrance.

(b) Provide visual indicators of appropriate spacing for employees outside the building in case of congestion.

(c) Take steps to reduce entry congestion and to ensure the effectiveness of screening (e.g., by staggering start times, adopting a rotational schedule in only half of employees are in the office at a particular time).

(d) Increase distancing between employees by spreading out workspaces, staggering workspace usage, restricting non-essential common space (e.g., cafeterias), providing visual cues to guide movement and activity (e.g., restricting elevator capacity with markings).

(e) Prohibit social gatherings and meetings that do not allow for social distancing or that create unnecessary movement through the office. Use virtual meetings whenever possible.

(f) Provide disinfecting supplies and require employees wipe down their work stations at least twice daily.

(g) Post signs about the importance of personal hygiene.

(h) Disinfect high-touch surfaces in offices (e.g., whiteboard markers, restrooms, handles) and minimize shared items when possible (e.g., pens, remotes, whiteboards).

(i) Institute cleaning and communications protocols when employees are sent home with symptoms.

(j) Notify employees if the employer learns that an individual (including a customer, supplier, or visitor) with a confirmed case of COVID-19 has visited the office.

(k) Suspend all nonessential visitors.

(l) Restrict all non-essential travel, including in-person conference events.

8. Restaurants and bars must:

(a) Limit capacity to 50% of normal seating.

(b) Require six feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put up chairs or barstools that are not in use).

(c) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering).

(d) Require patrons to remain seated at their tables or bar tops, except to enter or exit the premises, to order food, or to use the restroom.

(e) Sell alcoholic beverages only via table service, not via orders at the bar except to patrons seated at the bar.

(f) Prohibit access to common areas in which people can congregate, dance, or otherwise mingle.

(g) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.

(h) Close waiting areas and ask customers to wait in cars for a notification when their table is ready.

(i) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.

(j) Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in any lines.

(k) Post sign(s) at store entrance(s) informing customers not to enter if they are or have recently been sick.

(l) Post sign(s) instructing customers to wear face coverings until they get to their table.

(m) Require hosts, servers, and staff to wear face coverings in the dining area.

(n) Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the Food and Drug Administration ("FDA").

(o) Limit shared items for customers (e.g., condiments, menus) and clean high-contact areas after each customer (e.g., tables, chairs, menus, payment tools).

(p) Train employees on:

(1) Appropriate use of personal protective equipment in conjunction with food safety guidelines.

(2) Food safety health protocols (e.g., cleaning between customers, especially shared condiments).

(3) How to manage symptomatic customers upon entry or in the restaurant.

(q) Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the store.

(r) Close restaurant immediately if an employee shows symptoms of COVID-19, defined as either the new onset of cough or new onset of chest tightness or two of the following: fever (measured or subjective), chills, rigors, myalgia, headache, sore throat, or olfactory/taste disorder(s), and perform a deep clean, consistent with guidance from the FDA and the CDC. Such cleaning may occur overnight.

(s) Install physical barriers, such as sneeze guards and partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.

(t) To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, host stands, break rooms, and offices, to maintain at least a six-foot distance between employees.

9. Outpatient health-care facilities, including clinics, primary care physician offices, or dental offices, and also including veterinary clinics, must:

(a) Post signs at entrance(s) instructing patients to wear a face covering when inside.

(b) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

(c) Mark waiting rooms to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).

(d) Enable contactless sign-in (e.g., sign in on phone app) as soon as practicable.

(e) Add special hours for highly vulnerable patients, including the elderly and those with chronic conditions.

(f) Conduct a common screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.

(g) Place hand sanitizer and face coverings at patient entrance(s).

(h) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.

(i) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(j) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).

(k) Employ telehealth and telemedicine to the greatest extent possible.

(l) Limit the number of appointments to maintain social distancing and allow adequate time between appointments for cleaning.

(m) Employ specialized procedures for patients with high temperatures or respiratory symptoms (e.g., special entrances, having them wait in their car) to avoid exposing other patients in the waiting room.

(n) Deep clean examination rooms after patients with respiratory symptoms and clean rooms between all patients.

(o) Establish procedures for building disinfection in accordance with CDC guidance if it is suspected that an employee or patient has COVID-19 or if there is a confirmed case.

10. All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must:

(a) Require their employees (or, if a sole-owned business, the business owner) to perform a daily health screening prior to going to the job site.

(b) Maintain accurate appointment record, including date and time of service, name of client, and contact information, to aid with contact tracing.

(c) Limit direct interaction with customers by using electronic means of communication whenever possible.

(d) Prior to entering the home, inquire with the customer whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone who has been diagnosed with COVID-19. If so, the business or operation must reschedule for a different time.

(e) Limit the number of employees inside a home to the minimum number necessary to perform the work in a timely fashion.

(f) Gloves should be worn when practical and disposed of in accordance with guidance from the CDC.

11. All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal-care services must:

(a) Maintain accurate appointment and walk-in records, including date and time of service, name of client, and contact information, to aid with contact tracing.

(b) Post sign(s) at store entrance(s) informing customers not to enter if they are or have recently been sick.

(c) Restrict entry to customers, to a caregiver of those customers, or to the minor dependents of those customers.

(d) Require in-use workstations to be separated by at least six feet from one another and, if feasible, separate workstations with physical barriers (e.g., plexiglass, strip curtains).

(e) Limit waiting-area occupancy to the number of individuals who can be present while staying six feet away from one another and ask customers, if possible, to wait in cars for their appointment to be called.

(f) Discontinue all self-service refreshments.

(g) Discard magazines in waiting areas and other nonessential, shared items that cannot be disinfected.

(h) Mark waiting areas to enable six feet of social distancing (e.g., by placing X's on the ground and/or removing seats in the waiting room).

(i) Require employees to make proper use of personal protective equipment in accordance with guidance from the CDC and OSHA.

(j) Require employees and customers to wear a face covering at all times, except that customers may temporarily remove a face covering when receiving a service that requires its removal. During services that require a customer to remove their face covering, an employee must wear a face shield or goggles in addition to the face covering.

(k) Install physical barriers, such as sneeze guards and partitions at cash registers, where maintaining physical distance of six feet is difficult.

(l) Cooperate with the local public health department if a confirmed case of COVID-19 is identified in the facility.

12. Sports and entertainment facilities, including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums and theaters, as well as places of public amusement, such as amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, and trampoline parks, must:

(a) Post signs outside of entrances informing customers not to enter if they are or have recently been sick.

(b) Encourage or require patrons to wear face coverings.

(c) Establish crowd-limiting measures to meter the flow of patrons (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground or cones to designate social distancing, etc.).

(d) Use physical dividers, marked floors, signs, and other physical and visual cues to maintain six feet of distance between persons.

(e) Limit seating occupancy to the extent necessary to enable patrons not of the same household to maintain six feet of distance from others (e.g., stagger group seating upon reservation, close off every other row, etc.).

(f) For sports and entertainment facilities, establish safe exit procedures for patrons (e.g., dismiss groups based on ticket number, row, etc.).

(g) For sports and entertainment facilities, to the extent feasible, adopt specified entry and exit times for vulnerable populations, as well as specified entrances and exits.

(h) Train employees who interact with patrons (e.g., ushers) on how to:

(1) Monitor and enforce compliance with the facility's COVID-19 protocols.

(2) Help patrons who become symptomatic.

(i) Frequently disinfect high-touch surfaces during events or, as necessary, throughout the day.

(j) Disinfect and deep clean the facility after each event or, as necessary, throughout the day.

(k) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.

13. Gymnasiums, fitness centers, recreation centers, exercise facilities, exercise studios, and like facilities must:

(a) Post sign(s) outside of entrance(s) informing individuals not to enter if they are or have recently been sick.

(b) Maintain accurate records, including date and time of event, name of attendee(s), and contact information, to aid with contact tracing.

(c) To the extent feasible, configure workout stations or implement protocols to enable ten feet of distance between individuals during exercise sessions (or six feet of distance with barriers).

(d) Reduce class sizes, as necessary, to enable at least six feet of separation between individuals.

(e) Provide equipment cleaning products throughout the gym or exercise facility for use on equipment.

(f) Make hand sanitizer, disinfecting wipes, soap and water, or similar disinfectant readily available.

(g) Regularly disinfect exercise equipment, including immediately after use. If patrons are expected to disinfect, post signs encouraging patrons to disinfect equipment.

(h) Ensure that ventilation systems operate properly.

(i) Increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.

(j) Regularly clean and disinfect public areas, locker rooms, and restrooms.

(k) Close steam rooms and saunas.

14. Meat and poultry processing plants must:

(a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.

(b) Create at least one dedicated entry point at every facility for daily screening as provided in sub-provision (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.

(c) Configure communal work environments so that employees are spaced at least six feet apart in all directions (e.g., side-to-side and when facing one another).

(d) Require employees to wear a face covering whenever present at the facility, except when removal is necessary to eat or drink.

(e) Provide clean cloth face coverings (or disposable mask options) for employees to use when the coverings become wet, soiled, or otherwise visibly contaminated over the course of a workday.

(f) Use face shields in addition to face coverings as necessary when engineering and administrative controls are difficult to maintain and there may be exposure to other workplace hazards, such as splashes or sprays of liquids on processing lines

(g) Install physical barriers, such as strip curtains, plexiglass, or other impermeable dividers or partitions, to separate meat and poultry processing employees from each other.

(h) Take measures to ensure adequate ventilation in work areas to help minimize employees' potential exposures.

(i) Encourage single-file movement with a six-foot distance between each employee through the facility.

(j) Stagger employees' arrival, departure, break, and lunch times to avoid congregations of employees in parking areas, locker rooms, lunch areas, and near time clocks.

(k) Provide visual cues (e.g., floor markings, signs) as a reminder to employees to maintain social distancing.

(l) Designate employees to monitor and facilitate social distancing on the processing floor.

(m) Reduce processing capacity or modify the processing or production lines and/or stagger workers across shifts to minimize the number of employees in the facility at any one time.

(n) Adopt sick leave policies that discourage employees from entering the workplace while sick and modify any incentive programs that penalize employees for taking sick leave.

(o) Group employees together in cohorts, if feasible, in a manner that allows a group of employees to be assigned to the same shifts with the same coworkers, so as to minimize contacts between employees in each cohort.

(p) If an employee becomes or reports being sick, disinfect the workstation used and any tools handled by the employee.

(q) Provide personal protective equipment that is disposable (preferred) or, if reusable equipment is provided, ensure proper disinfection and storage in a clean location when not in use.

15. Employers must maintain a record of the requirements set forth in Sections 1(c) (training), (d) (screening protocol), and (k) (required notifications).

16. Executive Order 2020-114 is rescinded.

17. Nothing in this order shall be taken to limit or affect any rights or remedies otherwise available under law.

18. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

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

Date: July 9, 2020

Time: 2:16 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message was received from the Governor on July 9, 2020, and read:

EXECUTIVE ORDER
No. 2020-146

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

Rescission of Executive Order 2020-119

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[er] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders who work at or are incarcerated in prisons, county jails, local lockups, and juvenile detention centers across the state, it is reasonable and necessary to implement limited and temporary COVID-19-related protocols and procedures regarding entry into facilities operated by the Michigan Department of Corrections and transfers to and from the Department's custody; to recommend limited and temporary COVID-19-related protocols and measures for county jails, local lockups, and juvenile detention centers; and to temporarily suspend certain rules and procedures to facilitate the implementation of those recommendations.

Executive Order 2020-119 and its predecessors took those steps. This order continues the policies embodied in those orders, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-119 is rescinded.

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

1. The Michigan Department of Corrections (the "Department") must continue to implement risk reduction protocols to address COVID-19 ("risk reduction protocols"), which the Department has already developed and implemented at the facilities it operates and which include the following:

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

(b) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.

(c) Limiting off-site appointments for incarcerated persons to only appointments for urgent or emergency medical treatment.

(d) Developing and implementing protocols for incarcerated persons who display symptoms of COVID-19, including methods for evaluation and processes for testing, notification of the Department of Health and Human Services (“DHHS”), and isolation during testing, while awaiting test results, and in the event of positive test results. These protocols should be developed in consultation with local public health departments.

(e) Notifying DHHS of any suspected case that meets the criteria for COVID-19 through communication with the applicable local public health department.

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

(g) Conducting stringent cleaning of all areas and surfaces, including frequently touched surfaces (such as doorknobs, handles, light switches, keyboards, etc.), on a regular and ongoing basis.

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

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

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

(k) Practicing social distancing in all programs and classrooms—meaning a distance of at least six feet between people in any meeting, classroom, or other group.

(l) Minimizing crowding, including interactions of groups of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.

2. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act (“CJOA”), 1982 PA 325, MCL 801.51 *et seq.*, is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA.

3. Anyone authorized to act under section 2 of this order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:

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

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

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

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

4. Effective immediately, all transfers into the Department’s custody are temporarily suspended. Beginning seven (7) days from the effective date of this order, and no more than once every seven (7) days, a county jail or local lockup may request that the director of the Department determine that the jail or lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order. Upon inspection, if the director of the Department determines that a county jail or local lockup has satisfactorily implemented risk reduction protocols, transfers from that jail or lockup will resume in accordance with the Department’s risk reduction protocols. The director of the Department may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.

5. Parole violators in the Department’s custody must not be transported to or lodged in a county jail or local lockup unless the director of the Department has determined that such county jail or local lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order.

6. The State Budget Office must immediately seek a legislative transfer so that counties may be reimbursed for lodging incarcerated persons that would have been transferred into the Department’s custody if not for the suspension of transfers described in section 4 of this order.

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

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

(b) Eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others.

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

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

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

9. This order is effective immediately and continues through August 6, 2020 at 11:59 p.m.

10. Executive Order 2020-119 is rescinded.

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

Date: July 9, 2020

Time: 2:33 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message was received from the Governor on July 10, 2020, and read:

EXECUTIVE ORDER
No. 2020-147

Masks

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.

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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.

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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 suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective. Although the virus remains aggressive and persistent—on July 9, Michigan reported a total of 67,683 confirmed cases and 6,024 deaths—the strain on our health care system has relented, even as our testing capacity has increased. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly equivalent to the national average.

Our progress in suppressing COVID-19, however, appears to have stalled. Over the past two weeks, every region in Michigan has seen an uptick in new cases, and daily case counts now exceed 20 cases per million in the Grand Rapids, Detroit, and Lansing regions. Research confirms that a big part of the reason is spotty compliance with my requirement, issued in prior orders, that individuals wear face coverings in public spaces. A study [<https://voxeu.org/article/unmasked-effect-face-masks-spread-covid-19>] on different regions in Germany, for example, suggests that the adoption of mandatory mask ordinances decreased the daily growth rate of COVID-19 infections by 40%. Modeling [<https://covid19.healthdata.org/United-States-of-America>] from the University of Washington similarly indicates that more than 40,000 lives would be spared nationwide if 95% of the population wore a mask while in public. And a study [<https://www.washingtonpost.com/business/2020/06/30/mask-mandate-gdp-economy-goldman-sachs/>] conducted by Goldman Sachs concluded that a federal mask mandate could save the U.S. economy from taking a 5% hit to GDP.

Wearing a mask is an effective and low-cost way to protect ourselves and our families from a deadly disease. It should be—and is—the responsibility of every Michigander. This order reiterates that individuals are required to wear a face covering whenever they are in an indoor public space. It also requires the use of face coverings in crowded outdoor spaces. Most significantly, the order requires any business that is open to the public to refuse entry or service to people who refuse to wear a face covering. No shirts, no shoes, no mask—no service.

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

1. Any individual who leaves their home or place of residence must wear a face covering over their nose and mouth:
 - a. When in any indoor public space;
 - b. When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and
 - c. When waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, or when using a private car service as a means of hired transportation.
2. The requirement to wear a face covering does not apply to individuals who:
 - a. Are younger than five years old, though children two years old and older are strongly encouraged to wear a face covering, pursuant to guidance from the Centers for Disease Control and Prevention (“CDC”);
 - b. Cannot medically tolerate a face covering;
 - c. Are eating or drinking while seated at a food service establishment;
 - d. Are exercising when wearing a face covering would interfere in the activity;
 - e. Are receiving a service for which temporary removal of the face covering is necessary to perform the service;
 - f. Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;
 - g. Are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
 - h. Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel;

- i. Are officiating at a religious service; or
- j. Are giving a speech for broadcast or an audience.

3. To protect workers, shoppers, and the community, no business that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order.

a. Businesses that are open to the public must post signs at entrance(s) instructing customers of their legal obligation to wear a face covering while inside. The Michigan Department of Labor and Economic Opportunity may, in its discretion, require such businesses to post signs developed and made available by the Department, or conforming to requirements established by the Department.

b. A department or agency that learns that a licensee is in violation of this section will consider whether the public health, safety or welfare requires summary, temporary suspension of the business’s license to operate (including but not limited to a liquor license) under section 92 of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2).

4. For purposes of this order, neither child care centers nor day, residential, travel, or troop camps, as defined by Rule 400.11101 of the Michigan Administrative Code, are considered public spaces.

5. The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.

6. Nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances, and no individual is subject to penalty under section 8 of this order for removing a mask while engaging in religious worship at a house of religious worship. Consistent with guidance from the CDC, congregants are strongly encouraged to wear face coverings during religious services.

7. As to individuals, this order takes effect immediately. As to businesses, this order will take effect at 12:01 a.m. on Monday, July 13.

8. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor, but no term of confinement may be imposed for a violation of section 1 of this order.

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

Date: July 10, 2020

Time: 9:43 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message was received from the Governor on July 13, 2020, and read:

EXECUTIVE ORDER
No. 2020-148

**Enhanced protections for residents and staff of long-term care facilities
during the COVID-19 pandemic**

Rescission of Executive Order 2020-123

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

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

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

The COVID-19 pandemic poses a particularly dire threat to the health and safety of both residents and employees of long-term care facilities. To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial to limit in-person contact as much as possible and, for those in-person services and interactions that must occur, to engage in social distancing and other mitigation practices. For the residents of long-term care facilities to receive the care they need, however, the residents and staff of the facilities must share close quarters and interact in person regularly, and limitations on access to personal protective equipment only make it more difficult for these in-person interactions to be carried out safely. Due to the nature of the care provided in long-term care facilities and the vulnerable status of their residents, the risk of harm posed by a single positive case of COVID-19 to the entire facility—residents and staff—is inordinately high. As a result, it is reasonable and necessary to provide enhanced protections for residents and employees of long-term care facilities during this unprecedented crisis.

Executive Order 2020-123 and its predecessors provided such protections. This order extends the duration of those protections because it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, especially among the vulnerable populations of long-term care facilities. With this order, Executive Order 2020-123 is rescinded.

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

I. Protections for residents of long-term care facilities

1. Notwithstanding any statute, rule, regulation, or policy to the contrary, a long-term care facility must not effectuate an eviction or involuntary discharge against a resident for nonpayment, nor deny a resident access to the facility, except as otherwise provided in this order.

2. A long-term care facility must not prohibit admission or readmission of a resident based on COVID-19 testing requirements or results in a manner that is inconsistent with this order or relevant guidance issued by the Department of Health and Human Services ("DHHS").

3. The following apply to a resident that voluntarily obtained housing outside of a long-term care facility such as by moving in with a family member (but not to a resident who was hospitalized) during any state of emergency or state of disaster arising out of the COVID-19 pandemic:

(a) The resident does not forfeit any right to return that would have been available to the resident under state or federal law had they been hospitalized or placed on therapeutic leave. Nothing in this section affects the rights of a resident who was hospitalized or placed on therapeutic leave.

(b) Except as provided in subsection (c), as soon as capacity allows, the long-term care facility of origin must accept the return of the resident, provided it can meet the medical needs of the resident, and there are no statutory grounds to refuse the return.

(c) Prior to accepting the return of such a resident, the long-term care facility must undertake screening precautions that are consistent with relevant DHHS guidance when receiving the returning resident. A facility must not accept the return of a COVID-19-positive resident if the facility does not have a dedicated unit or regional hub meeting the requirements of this order.

4. Nothing in this order abrogates the obligation to pay or right to receive payment due under an admission contract between a resident and a long-term care facility.

5. All long-term care facilities must use best efforts to facilitate the use of telemedicine in the care provided to their residents, including, but not limited to, for regular doctors' visits, telepsychology, counseling, social work and other behavioral health visits, and physical and occupational therapy.

II. Protections for employees and residents of long-term care facilities

1. It is the public policy of this state that employees of long-term care facilities or regional hubs who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their homes or places of residence, as provided in section 2 of Executive Order 2020-36 or any order that may follow from it, and that their employers shall not discharge, discipline, or otherwise retaliate against them for doing so, as provided in section 1 of Executive Order 2020-36 or any order that may follow from it.

2. Long-term care facilities must:

(a) Cancel all communal dining and all internal and external group activities;

(b) Take all necessary precautions to ensure the adequate disinfecting and cleaning of facilities, in accordance with relevant guidance from the Centers for Disease Control and Prevention ("CDC");

(c) Use best efforts to provide appropriate personal protective equipment ("appropriate PPE") and hand sanitizer to all employees that interact with residents;

(d) As soon as reasonably possible, but no later than 12 hours after identification, inform employees of the presence of a COVID-19-affected resident;

(e) Notify employees of any changes in CDC recommendations related to COVID-19;

(f) Keep accurate and current data regarding the quantity of each type of appropriate PPE available onsite, and report such data to EMResource upon DHHS's request or in a manner consistent with DHHS guidance; and

(g) Report to DHHS all presumed positive COVID-19 cases in the facility together with any additional data required under DHHS guidance.

III. Procedures related to transfers and discharges of COVID-19-affected residents

1. A long-term care facility must report the presence of a COVID-19-affected resident to their local health department within 24 hours of identification.

2. Except as otherwise provided by an advance directive, a long-term care facility must transfer a COVID-19-affected resident who is medically unstable to a hospital for evaluation.

3. A nursing home must make all reasonable efforts to create a unit dedicated to the care and isolation of COVID-19-affected residents ("dedicated unit").

(a) A nursing home with a dedicated unit must provide appropriate PPE to direct-care employees who staff the dedicated unit.

(b) A nursing home provider that operates multiple facilities may create a dedicated unit by designating a facility for such a purpose.

(c) A nursing home must not create or maintain a dedicated unit unless it can implement effective and reliable infection control procedures.

4. A long-term care facility must adhere to the following protocol with respect to a COVID-19-affected resident who is medically stable:

(a) If the long-term care facility has a dedicated unit, the facility must transfer the COVID-19-affected resident to its dedicated unit.

(b) If the long-term care facility does not have a dedicated unit, it must attempt to transfer the COVID-19-affected resident to a regional hub, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed at a hospital.

(c) If a transfer under subsection (b) of this section is not possible, the long-term care facility must attempt to send the resident to a hospital within the state that has available bed capacity.

5. Once a long-term care facility resident who has been hospitalized due to onset of one or more of the principal symptoms of COVID-19 becomes medically stable, the hospital must conduct testing consistent with best practices identified by the CDC prior to discharge. Discharge may be made to any of the following: a regional hub, the facility where the resident resided prior to hospitalization, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed.

6. Discharge destinations should be determined consistent with CDC and DHHS guidelines. Decisionmakers should consider patient safety, the safety of the residents of any destination facility, the wishes of the patient and patient's family, and any guidance or recommendations from the local health department. However, a resident may only be discharged to a facility capable of safely isolating the resident, consistent with any applicable CDC and DHHS guidelines.

7. Until an acceptable discharge destination is identified, the individual must remain in the care of the hospital where they reside.

8. For any transfer or discharge of a resident, the transferring or discharging entity must ensure that the resident's advance directive accompanies the resident and must disclose the existence of any advance directive to medical control at the time medical control assistance is requested.

9. A long-term care facility that transfers or discharges a resident in accordance with this order must notify the resident and the resident's representative (if reachable) of the transfer or discharge within 24 hours.

10. The department of licensing and regulatory affairs is authorized to take action to assure proper level of care and services in connection with this order, consistent with section 21799b of the Public Health Code, MCL 333.21799b, and any other relevant provisions of law.

11. A transfer or discharge of a long-term care facility resident that is made in accordance with this order constitutes a transfer or discharge mandated by the physical safety of other facility residents and employees as documented in the clinical record, for purposes of section 21773(2)(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.21773(2)(b), and constitutes a transfer or discharge that is necessary to prevent the health and safety of individuals in the facility from being endangered, for purposes of 42 CFR 483.15(c)(1)(i)(C)-(D) and (c)(4)(ii)(A)-(B).

12. To the extent necessary to effectuate this terms of this order, strict compliance with any statute, rule, regulation, or policy pertaining to bed hold requirements or procedures, or to pre-transfer or pre-discharge requirements or procedures, is temporarily suspended. This includes, but is not limited to, strict compliance with the requirements and procedures under sections 20201(3)(e), 21776, 21777(1), and 21777(2) of the Public Health Code, MCL 333.20201(3)(e), MCL 333.21773(2), MCL 333.21776, MCL 333.21777(1), and MCL 333.21777(2), as well as Rules 325.1922(13)-(16), 400.1407(12), 400.2403(9), and 400.15302 of the Michigan Administrative Code.

IV. Definitions and general provisions

1. For purposes of this order:

(a) "Adult foster care facility" has the same meaning as provided by section 3(4) of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.703(4).

(b) "Alternate care facility" means any facility activated by the state to provide relief for hospitals that surge past their capacity,

(c) "Appropriate PPE" means the PPE that DHHS recommends in relevant guidance.

(d) "Assisted living facility" means an unlicensed establishment that offers community-based residential care for at least three unrelated adults who are either over the age of 65 or need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24-hours a day.

(e) "COVID-19-affected resident" means a resident of a long-term care facility who is COVID-19 positive, who is a person under investigation, or who displays one or more of the principal symptoms of COVID-19.

(f) "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).

(g) "Long-term care facility" means a nursing home, home for the aged, adult foster care facility, or assisted living facility.

(h) "Medically unstable" means a change in mental status or a significant change or abnormality in blood pressure, heart rate, oxygenation status, or laboratory results that warrants emergent medical evaluation.

(i) "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).

(j) "Person under investigation" means a person who is currently under investigation for having the virus that causes COVID-19.

(k) "Principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.

(l) "Regional hub" means a nursing home that is designated by DHHS as a dedicated facility to temporarily and exclusively care for and isolate COVID-19-affected residents. A regional hub must accept COVID-19-affected residents in accordance with relevant DHHS orders and guidance.

(m)“Swing bed” has the meaning provided by 42 CFR 413.114(b).

2. DHHS may issue orders and directives, and take any other actions pursuant to law, to implement this executive order.

3. This order is effective immediately and continues through August 10, 2020.

4. Executive Order 2020-123 is rescinded.

5. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

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

Date: July 13, 2020

Time: 11:11 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message was received from the Governor on July 13, 2020, and read:

EXECUTIVE ORDER
No. 2020-149

Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry

Rescission of Executive Order 2020-126

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. 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.

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

Executive Order 2020-126 and its predecessors provided the protections and relief described above. Because it remains necessary and reasonable to limit exposure to COVID-19 in food-selling establishments and pharmacies, this order extends those protections and that relief.

With this order, Executive Order 2020-126 is rescinded.

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

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

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

- (a) Provide access to handwashing facilities, including those available in public restrooms;
- (b) Require checkout employees to wear coverings over their noses and mouths, such as homemade masks, scarves, bandanas, or handkerchiefs;
- (c) Allow employees sufficient break time to wash hands as needed;
- (d) Use best efforts to ensure checkout employees to disinfect their hands between orders to prevent cross-contamination;
- (e) Use best efforts to provide employees and customers access to an alcohol-based hand sanitizer that contains at least 60% alcohol, as recommended by the Centers for Disease Control and Prevention (CDC);
- (f) Use best efforts to provide disinfecting wipes at cash registers and entrance points for customers to disinfect carts and baskets, as well as at other appropriate locations;
- (g) Ensure that both employees and customers remain at least six feet apart to the maximum extent possible, including during employee breaks, for example by reviewing floor plans, creating temporary barriers, designating aisles as one-way only, and demarcating queueing distances;
- (h) Close self-serve prepared food stations such as salad bars;
- (i) Eliminate free samples and tasting stations;
- (j) Adopt procedures to meet the environmental cleaning guidelines set by the CDC, including by cleaning and disinfecting frequent touchpoints throughout the day such as point of sale terminals at registers, shopping carts, and shopping baskets;
- (k) Prohibit employees who are sick from reporting to work and send employees home if they display symptoms of COVID-19. Employees who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should follow the procedures of Executive Order 2020-36 or any order that follows from it;

(l) Accommodate employees who fall within a vulnerable population by providing lower-exposure work assignments or giving them the option to take an unpaid leave of absence with a return date coinciding with the end of the declared states of emergency and disaster, or August 11, 2020, whichever is later. Nothing in this executive order abrogates any right to disability benefits. Employees who take an unpaid leave of absence as described in this subsection are encouraged to apply for unemployment benefits;

(m) Close to the public for sufficient time each night to allow stores to be properly sanitized;

(n) Encourage cash transactions to be processed at self-checkout kiosks when possible; and

(o) Adhere to all applicable safeguards, including but not limited to conducting a daily self-screening protocol for all employees and contractors, that are required under Executive Order 2020-145 or any order that may follow from it.

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

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

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

6. Strict compliance with subsection 6137 of the Food Law, MCL 289.6137, is suspended to the extent necessary to make a license holder eligible for a special transitory temporary food unit for the 2020–2021 licensing year, even if the license holder received only 1 evaluation during the 2019–2020 licensing year.

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

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

9. This order is effective immediately and continues through August 10, 2020.

10. Executive Order 2020-126 is rescinded.

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

Date: July 13, 2020

Time: 11:15 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message was received from the Governor on July 13, 2020, and read:

EXECUTIVE ORDER
No. 2020-150

Temporary and limited relief from certain licensing and certification requirements applicable to COVID-19 response

Rescission of Executive Order 2020-61

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On 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.

Responding effectively to the urgent and steep demands created by the COVID-19 pandemic requires enormous health care resources. To ensure health care professionals and facilities are fully equipped to provide the critical assistance and care needed by this state and its residents during this unprecedented emergency, it has been reasonable and necessary to provide limited and temporary relief from certain restrictions and requirements governing the provision of medical services. Executive Order 2020-30 provided this relief, and Executive Order 2020-61 extended its duration and expanded its scope, as it remained reasonable and necessary under the circumstances.

As the pressure on hospitals has eased, the importance of the broad relief afforded in Executive Orders 2020-30 and 2020-61 has waned. Today's circumstances require a narrower form of relief than was provided in these earlier orders. Specifically, it remains reasonable and necessary to suspend certain licensing and certification requirements for healthcare professionals, life support and first aid workers, and public safety answering point telecommunicators. This order provides that narrower relief, and rescinds Executive Order 2020-61.

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

1. Any law or regulation is temporarily suspended to the extent that it requires, as a condition of licensure, certification, registration for any health care professional, or the renewal of a license, certification, or registration for any health care professional:

(a) An exam, to the extent that the exam's administration has been canceled while the emergency declaration is in effect;

(b) Fingerprinting, to the extent that, in the judgment of the director of the Department of Licensing and Regulatory Affairs (LARA), locations to have fingerprints taken are substantially unavailable on account of closures arising from the COVID-19 pandemic; and

(c) Continuing education.

2. Professional certifications of individuals in basic life support, advanced cardiac life support, and first aid shall remain in effect, even if they are otherwise due to expire.

3. Any deadlines for telecommunicators and trainee telecommunicators who are employed by primary public safety answering points to complete training modules, or continuing education under Rules 484.803, 484.804, and 484.805 of the Michigan Administrative Code, are suspended until 60 days after the termination of the any state of emergency or disaster related to the COVID-19 pandemic.

4. This order is effective immediately and continues until the end of any state of emergency or disaster related to the COVID-19 pandemic.

5. Executive Order 2020-61 is rescinded.

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

Date: July 13, 2020

Time: 11:17 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message from the Governor was received on July 14, 2020, and read:

EXECUTIVE ORDER
No. 2020-151

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

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

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

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On 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 have been appealed; the Court of Appeals has ordered oral argument to be held in August.

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

My administration also moved to mitigate the economic and social harms of this pandemic. Through my orders, we placed strict rules on businesses to prevent price gouging, put a temporary hold on evictions, expanded eligibility for unemployment benefits, provided protections to workers who stay home when they or their close contacts are sick, and created a structure through which our schools can continue to provide their students with the highest level of educational opportunities possible under the difficult circumstances now before us.

These statewide measures were effective. A report released by the Imperial College COVID-19 Response Team, for example, showed that my actions significantly lowered the number of cases and deaths that would have occurred had the state done nothing. And while the virus remains aggressive and persistent—on July 13, Michigan reported a total of 69,722 confirmed cases and 6,075 deaths—the strain on our health care system has relented, even as our testing capacity has increased.

With the steep reduction in case counts, I moved progressively to relax restrictions on business activities and daily life. On June 1, I announced that most of the state would move to Phase 4 of my Safe Start plan, thereby allowing retailers and restaurants to resume operations. Hair salons and other personal care services followed two weeks later. And on June 10, I moved the Upper Peninsula and the region surrounding Traverse City to Phase 5, allowing for the reopening of movie theaters, gyms, bowling alleys, and other businesses.

Over the past three weeks, however, our progress in suppressing the pandemic has stalled. Every region in Michigan has seen an uptick in new cases, and daily case counts now exceed 20 cases per million in the Detroit, Lansing, Grand Rapids, and Kalamazoo regions. Positivity rates are creeping upward, moving from 2.8% to 3.4% over the past week. The increase in cases reflects a national trend: COVID-19 cases are growing in 39 states and in some are surging uncontrollably. Two days ago, for example, Florida recorded 15,300 new cases in a single day, the highest one-day total for any state so far during the pandemic.

Michigan now faces an acute risk of a second wave, one that not only threatens lives but may also jeopardize the reopening of schools in the fall. In response, I have paused the reopening of our economy. Gyms and performance venues remain closed across most of the state, and large gatherings remain curtailed. At the same time, consistent with the accumulating evidence that COVID-19 often spreads via aerosolized droplets, I have adopted additional measures—including the closure of certain bars and a requirement that stores refuse entry and service to those without face coverings—to reduce the risk of spread in indoor spaces. Life will not be back to normal for some time to come.

In the meantime, the economic toll continues to mount. Between March 15 and May 30, Michigan received 2.2 million initial unemployment claims—the fifth-highest nationally, amounting to more than a third of the Michigan workforce. During this crisis, Michigan has often processed more unemployment claims in a single day than in the most painful week of the Great Recession, and the state already saw its highest unemployment rate since the Great Depression (22.7% in April). The Michigan Department of Treasury predicts that this year the state will lose between \$1 and \$3 billion in revenue. At the same time, continued federal support is by no means assured: unless it is renewed, for example, Congress's emergency infusion of money into the unemployment system will cease at the end of this month. Without that money, many families in Michigan will struggle to pay their bills or even put food on the table.

The health, economic, and social harms of the COVID-19 pandemic thus remain widespread and severe, and they continue to constitute a statewide emergency and disaster. Though local health departments have some limited capacity to respond to cases as they arise within their jurisdictions, state emergency operations are necessary to bring this pandemic under control in Michigan and to build and maintain infrastructure to stop the spread of COVID-19, trace infections, and quickly direct additional resources to hot-spots as they emerge. State assistance to bolster health care capacity and flexibility also has been, and will continue to be, critical to saving lives, protecting public health and safety, and averting catastrophe. Moreover, state disaster and emergency recovery efforts remain necessary not only to support Michiganders in need due to the economic effects of this pandemic, but also to ensure that the prospect of lost income does not impel workers who may be infected to report to work.

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

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

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

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

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

4. Executive Order 2020-127 is rescinded. All previous orders that rested on that order now rest on this order.

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

Date: July 14, 2020

Time: 2:54 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

Senators Hertel, Shirkey and Ananich entered the Senate Chamber.

The following message from the Governor was received on July 15, 2020, and read:

EXECUTIVE ORDER
No. 2020-152

Training of pharmacists

Rescission of Executive Order 2020-124

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On 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.

Executive Order 2020-124 and its predecessors provided temporary and limited relief from certain regulatory restrictions regarding pharmacies, in order to enhance their operational capacity, flexibility, and efficiency at the height of the pandemic. Although COVID-19 remains aggressive and persistent, the demands on pharmacy operations have subsided, reducing the need for these measures. This order therefore extends only those provisions that relate to the training of student pharmacists, as it remains reasonable and necessary to continue to develop Michigan’s pharmacist talent notwithstanding the challenges of conducting in-person instruction brought on by the pandemic. With this order, Executive Order 2020-124 is rescinded.

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

1. To increase the number of pharmacists who can serve patients during this time of need, preceptors may supervise student pharmacists remotely to fulfill eligibility for licensure and avoid delaying graduation. Strict compliance with any statute or regulation inconsistent with this section is suspended.

2. This order will remain in effect during any state of emergency or state of disaster related to the COVID-19 pandemic.

3. Executive Order 2020-124 is rescinded.

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

Date: July 14, 2020

Time: 8:31 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-153

Masks

Rescission of Executive Order 2020-147

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[er] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it was reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, 2020-77, 2020-92, 2020-96, and 2020-110, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective. Although the virus remains aggressive and persistent—on July 16, Michigan reported a total of 71,842 confirmed cases and 6,101 deaths—the strain on our health care system has relented, even as our testing capacity has increased. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly equivalent to the national average.

Our progress in suppressing COVID-19, however, appears to have stalled. Over the past two weeks, every region in Michigan has seen an uptick in new cases, and daily case counts now exceed 20 cases per million in all but one region in the state. Research confirms that a big part of the reason is spotty compliance with my requirement, issued in prior orders, that individuals wear face coverings in public spaces. A study [<https://vox.eu.org/article/unmasked-effect-face-masks-spread-covid-19>] on different regions in Germany,

for example, suggests that the adoption of mandatory mask ordinances decreased the daily growth rate of COVID-19 infections by 40%. Modeling [<https://covid19.healthdata.org/united-states-of-america>] from the University of Washington similarly indicates that more than 40,000 lives would be spared nationwide if 95% of the population wore a mask while in public. And a study [<https://www.washingtonpost.com/business/2020/06/30/mask-mandate-gdp-economy-goldman-sachs/>] conducted by Goldman Sachs concluded that a federal mask mandate could save the U.S. economy from taking a 5% hit to GDP.

Wearing a mask is an effective and low-cost way to protect ourselves and our families from a deadly disease. It should be—and is—the responsibility of every Michigander. Last week, I issued a mask order requiring individuals to wear a face covering whenever they are in an indoor public space or in a crowded outdoor space. As significantly, the order required any business that is open to the public to refuse entry and service to people who refuse to wear a face covering. No shirts, no shoes, no mask—no service.

This order reissues the original order and makes several minor changes. First, it provides that wearing a mask at a polling place for purposes of voting in an election is not required, though wearing a mask to protect yourself and others is strongly encouraged. Second, the order clarifies that businesses may not assume that an unmasked customer cannot medically tolerate a face covering, though they may accept a customer's verbal representation to that effect. Third, the order addresses the interaction between the mask order and prior Safe Start orders that also required face coverings in indoor public spaces. Finally, the order clarifies that public safety officers must wear a face covering unless doing so would seriously interfere in the performance of their responsibilities.

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

1. Any individual who leaves their home or place of residence must wear a face covering over their nose and mouth:

(a) When in any indoor public space;

(b) When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and

(c) When waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, or when using a private car service as a means of hired transportation.

2. Although a face covering is strongly encouraged even for individuals not required to wear one, the requirement to wear a face covering does not apply to individuals who:

(a) Are younger than five years old (and, per guidance from the Centers for Disease Control and Prevention ("CDC"), children under the age of two should not wear a mask);

(b) Cannot medically tolerate a face covering;

(c) Are eating or drinking while seated at a food service establishment;

(d) Are exercising when wearing a face covering would interfere with the activity;

(e) Are receiving a service for which temporary removal of the face covering is necessary;

(f) Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;

(g) Are communicating with someone who is deaf, deafblind, or hard of hearing and where the ability to see the mouth is essential to communication;

(h) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a mask would seriously interfere in the performance of their public safety responsibilities;

(i) Are at a polling place for purposes of voting in an election;

(j) Are officiating at a religious service; or

(k) Are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

3. To protect workers, shoppers, and the community, no business, government office, or operation that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order.

(a) Businesses that are open to the public must post signs at entrance(s) instructing customers of their legal obligation to wear a face covering while inside. The Michigan Department of Labor and Economic Opportunity may, in its discretion, require such businesses to post signs developed and made available by the Department, or conforming to requirements established by the Department.

(b) A department or agency that learns that a licensee is in violation of this section will consider whether the public health, safety or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license) under section 92 of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.292(2).

(c) A business may not assume that someone who enters the business without a face covering falls in one of the exceptions specified in section 2 of this order, including the exception for individuals who cannot

medically tolerate a face covering. A business may, however, accept a customer's verbal representation that they are not wearing a face covering because they fall within a specified exception.

4. For purposes of this order, neither child care centers nor day, residential, travel, or troop camps, as defined by Rule 400.11101 of the Michigan Administrative Code, are considered public spaces.

5. The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.

6. Nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances, and no individual is subject to penalty under section 8 of this order for removing a mask while engaging in religious worship at a house of religious worship. Consistent with guidance from the CDC, congregants are strongly encouraged to wear face coverings during religious services.

7. This order takes effect immediately and Executive Order 2020-147 is rescinded. This order also rescinds:

(a) The portions of Executive Orders 2020-110 and 2020-115 pertaining to face coverings; and

(b) Section 16 of Executive Order 2020-110 and section 12 of Executive Order 2020-115, but only to the extent they provide that failure to comply with the requirement to wear a face covering is not a misdemeanor.

8. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor, but no term of confinement may be imposed for a violation of section 1 of this order.

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

Date: July 17, 2020

Time: 1:19 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

EXECUTIVE ORDER
No. 2020-154

**Alternative means to conduct government business
during the COVID-19 pandemic**

Rescission of Executive Orders 2020-129, 2020-132, and 2020-141

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 take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings and at work. Public bodies and entities must continue to conduct public business during this emergency, and the general public must be able to continue to participate in government decision-making and adjudication without unduly compromising public health, safety, and welfare. To that end, it is reasonable and necessary to provide temporary alternative means to conduct public meetings, conduct administrative proceedings, and provide the required notice under tax abatement statutes.

Executive Orders 2020-129, 2020-132, and 2020-141 afforded limited and temporary relief from certain rules and procedures in order to provide such alternative means. These measures have been effective. This order therefore extends the duration of such measures, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Orders 2020-129, 2020-132, and 2020-141 are rescinded.

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

I. Remote meetings of public bodies

1. To the extent that the Open Meetings Act (“OMA”), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements, as follows:

(a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.

(b) A meeting of a public body held electronically must be conducted in a manner that permits two-way communication so that members of the public body can hear and be heard by other members of the public body and so that general public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. The public body may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants to satisfy the requirement that members of the public can be heard by others during the meeting.

(c) Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.

(d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA.

(e) If a public body directly or indirectly maintains an official internet presence, the public body must, consistent with and in addition to any other applicable requirements under the OMA, post advance notice of a meeting held electronically on a portion of the public body's website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following:

(1) An explanation of the reason why the public body is meeting electronically.

(2) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.

(3) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.

(4) Procedures by which persons with disabilities may participate in the meeting.

(f) The right of a person to participate in a meeting of a public body held electronically includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations to minimize the possibility of disrupting the meeting.

(g) A public body may not require a person as a condition of participating in a meeting of the public body held electronically to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in a public comment period of the meeting.

(h) A person must be permitted to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting.

(i) During a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes.

(j) If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body's website homepage an agenda and other materials relating to the meeting.

(k) Members of the general public otherwise participating in a meeting of a public body held electronically may be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.

2. If a decision or other action of a public body complies with the requirements of this part and the requirements of the OMA not suspended by this part, it must be considered to comply with the OMA.

3. If a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 *et seq.*, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public's ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, is also permitted.

4. Strict compliance with subsection 6 of section 11a, subsection 7 of section 384, and subsection 1 of section 418a of the Revised School Code, 1976 PA 451, as amended, MCL 380.11a(6), MCL 380.384(7), and MCL 380.418a(1), is temporarily suspended so as not to require school district boards to hold meetings at least once each month.

5. A public body holding a meeting electronically as provided under this part is encouraged to do so in a manner that effectuates as fully as possible the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Discussions or deliberations at an open meeting that cannot at a minimum be heard by the general public participating in the meeting are contrary to these purposes. Accordingly, members of a public body must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision, and must avoid "round-the-horn" decision-making in a manner not accessible to the public at an open meeting.

6. Nothing in this part permits a public body to limit or restrict the rights of the press or other news media. Members of public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held electronically and to members of public bodies.

7. As used in this part, the terms “decision,” “meeting,” and “public body” mean those terms as defined under section 2 of the OMA, MCL 15.262, except this part does not apply to state legislative bodies.

II. Alternative notice of tax abatement hearings

1. A person is considered to have been provided the notice and opportunity to be heard required by a tax abatement statute if the responsible local governmental unit abided by the following procedures:

(a) To ensure that notice is provided to any real property owners within a proposed tax abatement district that are entitled to notice, the local governmental unit must publish in three successive issues of a generally circulated newspaper serving the proposed tax abatement district where available, or if no such newspaper is available, by the posting of the notice in five conspicuous places in the proposed tax abatement district.

(b) To ensure that notice is provided to any required taxing jurisdiction, assessor, or other public official that is entitled to receive notice under the particular tax abatement statute, the local governmental unit may provide notice via email to the appropriate governmental or business email address.

(c) To ensure that notice is provided to the general public, the local governmental unit must:

- (1) Post notice of the public hearing in a prominent and conspicuous place at both the public body’s principal office; and
- (2) Post notice of the public hearing on a portion of the local governmental unit’s website that is fully accessible to the public, if the local governmental unit directly or indirectly maintains an official internet presence. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings.

2. Strict compliance with any requirement under a tax abatement statute to provide notice of a public hearing is temporarily suspended to allow for notice to be provided consistent with section 1 of this part. Failure to strictly comply with the procedures set forth in section 1 of this part does not by itself constitute grounds to invalidate an action taken by a local governmental unit under a tax abatement statute.

3. This part does not change or otherwise affect the timing requirements for notice of public hearings in any tax abatement statute. Nor does this part prohibit a local governmental unit from providing notice in the manner prescribed by the relevant tax abatement statute.

4. As used in this part:

(a) The term “local governmental unit” means a political subdivision of this state that is authorized to create an abatement district, reduce the level of taxation on a certain property, or exempt certain property from taxation, under a tax abatement statute. Additionally, for the purposes of the Plant Rehabilitation and Industrial Development Districts Act, it also includes a Next Michigan development corporation as that term is defined in section 3 of the Next Michigan Development Act, MCL 125.2953.

(b) The term “tax abatement district” means any district that can be created by a local governmental unit in a tax abatement statute within which certain property may be eligible for a property tax exemption.

(c) The term “tax abatement statute” means one of the following statutes that allows for a reduction in, or an exemption of, the level of taxation ordinarily imposed on property in this state: the Obsolete Property Rehabilitation Act, MCL 125.2781 *et seq.*, the Neighborhood Enterprise Zone Act, MCL 207.771 *et seq.*, the Commercial Rehabilitation Act, MCL 207.841 *et seq.*, the Commercial Redevelopment Act, MCL 207.651 *et seq.*, and the Plant Rehabilitation and Industrial Development Districts Act, MCL 207.551 *et seq.*

III. Remote means of carrying out state administrative procedures.

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission (MERC) hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 *et seq.* (employment relations commission), 1947 PA 336, as amended, MCL 423.201 *et seq.* (public employment relations), and 1969 PA 312, as amended, MCL 423.231 *et seq.* (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.

2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.

3. The Unemployment Insurance Agency (UIA) may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

4. Notice to the UIA and written notice by the UIA may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 *et seq.*, is temporarily suspended.

5. Hearings held under the Administrative Procedures Act of 1969 (APA), 1969 PA 306, as amended, MCL 24.201 *et seq.*, as well as under the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the APA and the MAHS Administrative Hearing Rules is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.

6. Notice and service of process required by the APA and the MAHS Administrative Hearing Rules may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the APA and the MAHS Administrative Hearing Rules is temporarily suspended.

7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the APA is temporarily suspended.

8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget (DTMB) is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must 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.

9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the DTMB is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the APA, including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must 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.

IV. General Provisions

1. This order is effective immediately and remains in effect during any state of emergency or state of disaster arising out of the COVID-19 pandemic, and for 28 days thereafter to the extent necessary to permit reliable scheduling of hearings and meetings under Parts I and III.

2. A provision of this order will prevail over any conflicting provision of a local charter, ordinance, or rule.

3. This order supersedes sections 2 and 3 of Executive Directive 2020-2.

4. Executive Orders 2020-129, 2020-132, and 2020-141 are rescinded.

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

Date: July 17, 2020

Time: 1:54 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following message from the Governor was received on July 22, 2020, and read:

EXECUTIVE ORDER
No. 2020-155

**Implementation of expenditure reductions under
Section 20 of Article 5 of the Michigan Constitution of 1963**

Section 20 of Article 5 of the Michigan Constitution of 1963 provides that the Governor, with approval from the appropriating committees of the House of Representatives and the Senate, must reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, in accordance with procedures prescribed by law.

On the basis of written information from the State Budget Director and the State Treasurer, provided under Section 391 of The Management and Budget Act, 1984 PA 431, as amended, MCL 18.1391, it appears that actual revenues for the fiscal period beginning on October 1, 2019 and ending on September 30, 2020 will fall below the revenue estimates on which appropriations for that period were based, as determined by the Legislature as required under Section 31 of Article 4 of the Michigan Constitution of 1963.

These circumstances have caused an unanticipated loss of funding that the departments and agencies of state government do not expect to obtain or make up during the current fiscal year. As part of an overall corrective action plan to ensure actual revenues for the fiscal period will be sufficient to equal the expenditures, expenditure reductions totaling \$619,989,600.00 general fund-general purpose and \$13,379,800.00 special purpose funds are necessary.

Acting under the Michigan Constitution of 1963 and Michigan law, and contingent upon the approval of a majority of members of each appropriations committee, I order the following reductions in expenditures:

A. Portions of general fund-general purpose expenditures authorized by appropriations amounting to \$619,989,600.00 contained in the following public acts are hereby reduced. Where the expenditure reductions of general fund-general purpose appropriations in this Order reduce the restricted portions of gross appropriations and sources of financing that will be earned, the amounts to be reduced shall be provided separately to the State Budget Director for approval and entry into the accounts.

Department	Reduction Amount
Agriculture and Rural Development	4,382,700
Attorney General	3,729,100
Civil Rights	1,058,500
Corrections	392,669,100
Education	3,280,800
Environment, Great Lakes, and Energy	1,961,400
Executive Office	355,700
Health and Human Services	36,463,400
Insurance and Financial Services	150,000
Labor and Economic Opportunity	6,497,600
Licensing and Regulatory Affairs	655,500
Military and Veterans Affairs	2,115,700
Natural Resources	1,846,200
State	1,098,200
State Police	115,070,100
Technology, Management and Budget	31,830,400
Transportation	13,000,100
Treasury	<u>3,825,100</u>
	619,989,600

B. The reduction totals for the departments and offices in Section A include the following appropriation items or are predicated upon the following actions:

1. Department of Agriculture and Rural Development

Appropriation Number	Item	Reduction Amount
44900	Food safety and quality assurance	90,500
31050	Animal disease prevention and response	113,900
58500	Pesticide and plant pest management	134,200
50650	Laboratory services	125,500
30720	Food and agriculture investment program	<u>3,000,000</u>
		3,464,100

2. Department of Attorney General

Appropriation Number	Item	Reduction Amount
10011	Unclassified salaries	70,000
34350	Child support enforcement personnel	156,100
31570	Department of attorney general	1,098,800
57128	Ok2Say program	800,000
60200	Prosecuting attorneys coordinating council personnel	123,600
64070	Sexual assault law enforcement personnel	<u>840,000</u>
		3,088,500

3. Department of Civil Rights

Appropriation Number	Item	Reduction Amount
37425	Complaint investigation and enforcement	292,000
10031	Executive office	105,000
40050	Division on deaf, deafblind, and hard of hearing	85,000
50815	Law and policy	210,000
44045	Public affairs	<u>127,000</u>
		819,000

4. Department of Corrections

Appropriation Number	Item	Reduction Amount
10010	Unclassified salaries	24,800
11410	Budget and operations administration	268,100
37350	Compensatory buyout and union leave bank	100
50300	Judicial data warehouse user fees	1,000
36900	Community corrections comprehensive plans and services	350,000
40650	Education/skilled trades/career readiness programs	5,971,600
41960	Enhanced food technology program	74,700
61730	Offender success services	8,858,300
22280	Detroit Reentry Center	9,760,300
43950	Field operations	178,500
57800	Parole board operations	11,500
62140	Residential alternative to prison program	600,000
33750	Central records	17,600
38050	Correctional facilities administration	136,600
49100	Inmate housing fund	100
49150	Inmate legal services	3,100
67800	Transportation	11,602,200
36140	Clinical complexes	645,300
47030	Health care administration	67,300
53300	Mental health and substance abuse treatment services	92,200
22100	Alger Correctional Facility - Munising	9,730,800
22120	Baraga Correctional Facility - Baraga	12,146,800
22140	Bellamy Creek Correctional Facility - Ionia	16,169,800
22160	Carson City Correctional Facility - Carson City	17,119,300
22180	Central Michigan Correctional Facility - St. Louis	16,326,300
22200	Charles E. Egeler Correctional Facility - Jackson	14,652,100
22220	Chippewa Correctional Facility - Kincheloe	19,097,200
22240	Cooper Street Correctional Facility - Jackson	10,222,500
22300	Earnest C. Brooks Correctional Facility - Muskegon	9,661,500
22320	G. Robert Cotton Correctional Facility - Jackson	15,205,200
22340	Gus Harrison Correctional Facility - Adrian	17,265,400
22360	Ionia Correctional Facility - Ionia	11,940,400
22380	Kinross Correctional Facility - Kincheloe	10,675,800
22400	Lakeland Correctional Facility - Coldwater	10,766,500
22420	Macomb Correctional Facility - New Haven	11,710,100
22440	Marquette Branch Prison - Marquette	12,654,600
22460	Michigan Reformatory - Ionia	11,407,300
22480	Muskegon Correctional Facility - Muskegon	8,707,300
22500	Newberry Correctional Facility - Newberry	8,255,800
22520	Oaks Correctional Facility - Eastlake	12,290,900
22560	Parnall Correctional Facility - Jackson	10,108,400
22600	Richard A. Handlon Correctional Facility - Ionia	9,714,100
22620	Saginaw Correctional Facility - Freeland	11,465,600
22640	Special alternative incarceration program	1,697,500
22660	St. Louis Correctional Facility - St. Louis	13,731,400
22680	Thumb Correctional Facility - Lapeer	12,506,300
22700	Womens Huron Valley Correctional Complex - Ypsilanti	19,308,600

22720	Woodland Correctional Facility - Whitmore Lake	12,852,400
22020	Southern region administration and support	<u>96,800</u>
		386,150,000

5. Department of Education

Appropriation Number	Item	Reduction Amount
10019	Unclassified salaries	10,000
11110	State board of education, per diem payments	2,500
65600	State board/superintendent operations	50,000
33800	Central support operations	176,800
45890	Grant and contract operations	10,000
16020	Information technology services and projects	150,000
40820	Educator excellence operations	151,200
46850	Head start collaboration office	4,000
56600	Office of great start operations	40,000
56870	Office of systems, evaluation, and technology operations	30,000
66140	Strategic planning and implementation operations	15,000
30150	Administrative law operations	64,000
30100	Accountability services operations	165,000
30240	Adolescent and school health	80,000
40790	Educational supports operations	325,000
33310	Career and technical education operations	50,000
51100	Library of Michigan operations	350,000
57880	Partnership district support operations	<u>1,150,000</u>
		2,823,500

The amount in Section 602 of 2019 PA 63 is reduced by \$85,400.00.

6. Department of Environment, Great Lakes, and Energy

Appropriation Number	Item	Reduction Amount
58527	Mapping and other support	<u>1,284,800</u>
		1,284,800

7. Executive Office

Appropriation Number	Item	Reduction Amount
10030	Executive office	<u>355,700</u>
		355,700

8. Department of Health and Human Services

Appropriation Number	Item	Reduction Amount
11510	Departmental administration and management	63,100
49250	Office of inspector general	231,000
37140	Community services and outreach administration	36,700
34420	Child welfare administration travel	60,000
35410	Child welfare field staff - noncaseload compliance	217,500
35470	Child welfare licensing	63,600
37800	Contractual services, supplies, and materials	266,900
40600	Education planners	7,000
45250	Foster care payments	250,000
45270	Foster care services - caseload staff	18,300
58200	Peer coaches	26,600
63600	Second line supervisors and technical staff	652,000
30430	Adult services field staff	377,000
37830	Contractual services, supplies, and materials	350,000
44040	Field staff travel	750,000
53100	Medical/psychiatric evaluations	300,000
44050	Public assistance field staff	2,635,200
32050	Behavioral health program administration	451,000
38448	Court-ordered assisted outpatient treatment	1,000,000

47500	Healthy homes program	982,900
58520	PFAS and environmental contamination response	3,817,100
35650	Children’s special health care services administration	20,400
56850	Aging and adult services administration	140,000
45300	Senior volunteer service programs	1,700,000
47610	Healthy Michigan plan administration	965,600
53000	Medical services administration	510,500
47300	Health plan services	600,000
47600	Healthy Michigan plan	2,500,000
48350	Hospital services and therapy	2,250,000
T48290	Hospital behavioral health pilot program	<u>4,000,000</u>
		25,242,400

The general fund amount in Section 462 (1) of 2019 PA 154 is reduced by \$2,250,000.00.

The general fund amount in Section 462 (9) of 2019 PA 154 is reduced by \$2,250,000.00.

The general fund amount in Section 1182 of 2019 PA 67 is reduced by \$982,900.00.

The amount in Section 1782 of 2019 PA 67 is reduced by \$600,000.00.

Section 963 of 2019 PA 67 is repealed.

Section 1934 of 2019 PA 67 is repealed.

9. Department of Insurance and Financial Services

Appropriation Number	Item	Reduction Amount
11030	Executive director programs	<u>150,000</u>
		150,000

Section 219 of 2019 PA 55 is repealed.

10. Department of Labor and Economic Opportunity

Appropriation Number	Item	Reduction Amount
47678	High school equivalency-to-school program	101,200
26040	Workforce development programs	3,229,200
26020	Workforce program administration	115,000
37300	Compensation supplement fund	1,000,000
14010	Workers’ disability compensation agency	526,700
50150	Job creation services	876,000
32362	Blight removal grants	<u>250,100</u>
		6,098,200

Section 1069 of 2019 PA 56 is repealed.

11. Department of Licensing and Regulatory Affairs

Appropriation Number	Item	Reduction Amount
12000	Michigan office of administrative hearings and rules	16,000
18105	Michigan indigent defense commission	<u>185,400</u>
		201,400

12. Department of Military and Veterans Affairs

Appropriation Number	Item	Reduction Amount
10017	Unclassified salaries	150,000
11540	Departmentwide	150,000
46870	Headquarters and armories	600,000
54500	Michigan youth challenge academy	100,000
54670	Military training sites and support facilities	425,000
54350	Michigan veterans affairs agency administration	205,000
54360	Michigan veterans facility authority	<u>200,000</u>
		1,830,000

13. Department of Natural Resources

Appropriation Number	Item	Reduction Amount
53950	Michigan historical center	700
69900	Wildlife management	3,000

45600	General law enforcement	738,200
65850	State parks	25,400
69800	Wildfire protection	220,100
39050	Deer habitat improvement partnership initiative	100,000
T51940	Long Lake boat launch	142,500
T69890	Wildlife and fisheries health study	<u>200,000</u>
		1,429,900

14. Department of State

Appropriation Number	Item	Reduction Amount
57510	Operations	79,900
32600	Branch operations	246,600
33700	Central operations	353,900
57600	Organ donor program	68,900
16020	Information technology services and projects	<u>237,700</u>
		987,000

15. Department of State Police

Appropriation Number	Item	Reduction Amount
11500	Department services	385,200
11530	Departmentwide	390,200
32250	Biometrics and identification	129,500
38750	Criminal justice information center	167,900
40100	Forensic science	1,307,800
67550	Training	63,800
65380	Standards and training/justice training grants	159,700
33530	Investigative services	670,000
45610	Post operations	106,535,800
63670	Secure cities partnership	1,000,000
36550	Commercial vehicle enforcement	1,700
41460	Emergency management and homeland security	735,300
49490	Intelligence operations	858,200
64950	Special operations	400,700
16020	Information technology services and projects	<u>250,000</u>
		113,055,800

16. Department of Technology, Management and Budget

Appropriation Number	Item	Reduction Amount
11300	Administrative services	1,025,300
11400	Budget and financial management	781,500
32900	Bureau of labor market information and strategies	79,600
33100	Business support services	532,500
11040	Executive operations	45,300
56950	Office of the state employer	67,500
16020	Information technology services and projects	1,000,000
41910	Enterprise identity management	316,000
15400	Homeland security initiative/cyber security	1,257,500
10805	Office of children's ombudsman	139,400
19100	State building authority rent - community colleges	2,401,000
19210	State building authority rent - department of corrections	6,642,100
19200	State building authority rent - state agencies	4,988,700
19000	State building authority rent - universities	9,068,200
30650	Agency services	810,000
48550	Human resources operations	<u>1,005,000</u>
		30,159,600

17. Department of Transportation

Appropriation Number	Item	Reduction Amount
C45555	General fund fixing roads and bridges	<u>13,000,100</u>
		13,000,100

Section 280 of 2019 PA 66 is repealed.

18. Department of Treasury

Appropriation Number	Item	Reduction Amount
11500	Department services	650,000
11010	Executive direction and operations	600,000
56500	Collections services bureau	400,000
13010	Property management	100,000
51750	Local finance	50,000
66600	Supervision of the general property tax law	350,000
56840	Office of revenue and tax analysis	150,000
66850	Tax and economic policy	300,000
67450	Tobacco tax enforcement	150,000
36750	Common cash and debt management	40,000
66300	Student financial assistance programs	65,000
		<u>2,855,000</u>

19. Expenditure Reductions – Temporary Layoff Days

General fund/general purpose expenditures authorized by appropriations contained in the following public acts are reduced by the amounts listed for the following departments and offices resulting from the temporary layoff of personnel. The State Budget Director is authorized to take any and all related actions necessary to properly record the expenditure reductions by appropriation resulting from the temporary layoff of personnel, including federal and restricted revenue expenditures, as part of the financial transactions for the fiscal year ending September 30, 2020.

Department	Reduction Amount
Agriculture and Rural Development	918,600
Attorney General	640,600
Civil Rights	239,500
Corrections	6,519,100
Education	457,300
Environment, Great Lakes, and Energy	676,600
Health and Human Services	11,221,000
Labor and Economic Opportunity	399,400
Licensing and Regulatory Affairs	454,100
Military and Veterans Affairs	285,700
Natural Resources	416,300
State	111,200
State Police	2,014,300
Technology, Management and Budget	1,670,800
Treasury	970,100
	<u>26,994,600</u>

C. Portions of appropriations financed with special purpose revenue amounting to \$13,379,800.00 are hereby reduced.

Department	Reduction Amount
Licensing and Regulatory Affairs	379,800
Transportation	13,000,000
	<u>13,379,800</u>

D. The reduction total for the departments in Section C include the following appropriation items:

1. Department of Licensing and Regulatory Affairs – Liquor Purchase Revolving Fund

Appropriation Number	Item	Reduction Amount
51350	Liquor licensing and enforcement	200,000
52250	Management support services	84,000
		<u>284,000</u>

2. Department of Licensing and Regulatory Affairs – Securities Fees

Appropriation Number	Item	Reduction Amount
12000	Michigan office of administrative hearings and rules	95,800
		<u>95,800</u>

3. Department of Transportation – Economic Development Fund

Appropriation Number	Item	Reduction Amount
C88640	Target industries/economic development	<u>13,000,000</u> 13,000,000

The State Budget Director is authorized to take any and all actions necessary to implement the provisions of this Order to reduce expenditures authorized by appropriations as specified above for the fiscal year beginning on October 1, 2019 and ending on September 30, 2020.

This Order is effective upon approval by the appropriations committees of the House of Representatives and the Senate, as provided under Section 20 of Article 5 of the Michigan Constitution of 1963 and Section 391 of The Management and Budget Act, 1984 PA 431, MCL 18.1391.

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

Date: July 22, 2020

Time: 7:00 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Appropriations.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:

Office of the Senate Majority Leader

July 15, 2020

Pursuant to Senate Rule 1.105 I hereby announce the appointments of Senators to standing committees for this the 100th Legislature.

K-12 Appropriations Subcommittee

1. Appoint Senator Polehanki
2. Appoint Senator Bayer as Minority Vice-Chair

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Mike Shirkey
Senate Majority Leader
Michigan’s 16th Senate District

The subcommittee appointments were approved, a majority of the members serving voting therefor. The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

July 1, 2020

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

Released – April 16, 2020

- Follow-up report on the performance audit of the Bureau of Services for Blind Persons, Department of Licensing and Regulatory Affairs (641-0230-16F).

Released – April 21, 2020

- Report on internal control, compliance, and other matters of the Michigan Public School Employees’ Retirement System for the fiscal year ended September 30, 2019 (071-0152-20).

Released – April 28, 2020

- Follow-up report on the performance audit of the Walter P. Reuther Psychiatric Hospital, Michigan Department of Health and Human Services (391-0230-16F).

Released – May 8, 2020

- Financial and performance audit including the report on internal control, compliance, and other matters on the Information Technology Fund and IT Billings, Department of Technology, Management, and Budget (071-0137-19).

Released – May 12, 2020

- Report on internal control, compliance, and other matters is being issued in conjunction with our financial audit of the State of Michigan Comprehensive Annual Financial Report for the fiscal year ended September 30, 2019 (071-0010-20).

Released – June 3, 2020

- Performance audit report on the Sustainability Section, Materials Management Division, Department of Environment, Great Lakes, and Energy (761-0335-19).

Released – June 9, 2020

- Performance audit on Statewide Microsoft SQL Database Controls, Department of Technology, Management, and Budget (071-0571-19).

Release – June 11, 2020

- Performance audit report on the Traffic and Safety Section, Michigan Department of Transportation (591-0162-19).

Release – June 16, 2020

- Follow-up report on the Great Start Readiness Program, Michigan Department of Education (313-0260-15F).

Release – June 17, 2020

- Performance audit report on the Women’s Huron Valley Correctional Facility – Medical, Dental, and Optical Services, Michigan Department of Corrections (471-0301-19).

Release – June 24, 2020

- Performance Audit of COVID-19 Expenditures (000-2000-20).

Sincerely,
Doug Ringler,
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communication was received:

Department of State Police

June 30, 2020

I am pleased to present to the Michigan Legislature the 27th annual Asset Forfeiture Report. Michigan’s asset forfeiture laws provide for the seizure of cash and property assets of drug traffickers and other criminal organizations when that property is obtained through illegal activity. The report this year is submitted under the Uniform Forfeiture Reporting Act, Public Act (PA) 148 of 2015, and the conviction requirements of PA 7 and PA 9 of 2019.

PA 148 added reporting requirements and submission of a summary to the Michigan Department of State Police of the reporting agency’s activities regarding forfeiture of property under four sections of law: Public Health Code, MCL 333.7521-MCL 333.7533 (Controlled Substances); the Identity Theft Protection Act, MCL 445.79d; Revised Judicature Act of 1961, MCL 600.4701-600.4709 (Omnibus); and Revised Judicature Act of 1961, MCL 600.3801-600.3840 (Public Nuisance). Additionally, the type of information to be reported for each seizure and forfeiture of property was expanded to provide for greater transparency regarding the government seizure of private property.

Effective August 7, 2019, a criminal conviction became required before certain property seized under the Public Health Code can be forfeited to law enforcement.

This report covers the period from January 1, 2019, through December 31, 2019. This is the third report in which all reporting agencies submitted forfeiture data based upon the calendar year. Over \$12 million in cash and assets amassed by drug traffickers was forfeited. Asset forfeiture funds were utilized to support law enforcement by providing resources for equipment, personnel, vehicles, training, and supplies. Assets seized pursuant to this program also allowed some agencies to contribute monies to non-profit organizations that assist in obtaining information from citizens for solving crimes.

I submit this report for your information and review. The communication was referred to the Secretary for record.

Sincerely,
J. M. Gasper
Director

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Peter MacGregor

July 9, 2020

I write today to request that my name be removed as co-sponsor from Senate Bills 979, 980 and 981.

Sincerely,
Peter MacGregor
Michigan Senate
28th District

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Ken Horn

July 9, 2020

I write today to request that my name be removed as co-sponsor from Senate Bills 979, 980 and 981.

Sincerely,
Ken Horn
State Senator
32nd District

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Betty Jean Alexander

July 15, 2020

Please add my name, State Senator Betty Jean Alexander, as a cosponsor for SB 0964.

Respectfully Requested,
Betty Jean Alexander
Michigan State Senator
5th Senate District- Redford, Inkster,
Garden City, Dearborn Heights, and Detroit

The communication was referred to the Secretary for record.

The Senate Business Office submits, pursuant to Senate Rule 1.208, that there was no out-of-state travel by members on Legislative business for the quarter ended June 30, 2020.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:11 a.m.

10:21 a.m.

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

During the recess, Senator McBroom entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Theis introduced
Senate Bill No. 1011, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1231 (MCL 380.1231), as amended by 2020 PA 23, and by adding section 1851b.

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

Senator Theis introduced

Senate Bill No. 1012, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2019 PA 58.

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

Senator Theis introduced

Senate Bill No. 1013, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 18, 23a, and 104 (MCL 388.1603, 388.1606, 388.1618, 388.1623a, and 388.1704), section 3 as amended by 2017 PA 108, sections 6, 18, and 104 as amended by 2019 PA 58, and section 23a as amended by 2020 PA 22.

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

Senator Theis introduced

Senate Bill No. 1014, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 21f (MCL 388.1621f), as amended by 2018 PA 265.

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

Senator Theis introduced

Senate Bill No. 1015, entitled

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

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

Senator Lucido introduced

Senate Bill No. 1016, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 780.656).

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

Senator Lucido introduced

Senate Bill No. 1017, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending sections 2 and 13 (MCL 15.232 and 15.243), as amended by 2018 PA 68.

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

Senator Hollier introduced

Senate Bill No. 1018, 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.

Senator Zorn introduced

Senate Bill No. 1019, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” (MCL 418.101 to 418.941) by adding section 895.

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

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:25 a.m.

11:48 a.m.

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

By unanimous consent the Senate returned to the order of
Messages from the House

Senator MacGregor moved that the Senate proceed to consideration of the following bill:
Senate Bill No. 373
The motion prevailed.

Senate Bill No. 373, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), section 11 as amended by 2018 PA 586, section 17b as amended by 2007 PA 137, and sections 201 and 236 as amended by 2018 PA 265.

(This bill was returned from the House with a substitute (H-3), immediate effect and title amendment, and was laid over under the rules. See Senate Journal No. 27, p. 351.)

The question being on concurring in the substitute made to the bill by the House, Senator Stamas offered the following substitute to the House substitute:
Substitute (S-3).

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

The question being on concurring in the House substitute as substituted,

The substitute was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 258

Yeas—36

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

Nays—1

Irwin

Excused—1

Hollier

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 as amended.

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 Moss 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. 5265, 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.

Substitute (S-3)

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

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. 5265

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

The following communication was received:

Office of Senator Jim Stamas

July 22, 2020

On Wednesday, July 22, 2020, the Senate Appropriations Committee approved the Governor’s Executive Order 2020-155.

Jim Stamas
State Senator
36th District

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

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

House Bill No. 5265

The motion prevailed.

The following bill was read a third time:

House Bill No. 5265, entitled

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

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. 259**Yeas—36**

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

Nays—1

Irwin

Excused—1

Hollier

Not Voting—0

In The Chair: President

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

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

The motion prevailed.

Senator Stamas' statement is as follows:

Colleagues, the COVID-19 pandemic has taken a huge toll on the Michigan people and our economy, and as a result this has taken a huge toll on our budget as well. Every budget is a statement of priorities. In the face of unprecedented and unforeseen challenges within 2020, the budget agreement before you reflects our shared commitment to schools, local government, and everyone impacted by COVID-19. We're all in this together. By working together, we are resolving a \$2.2 billion deficit while directing federal funds to education and to vital services that were hit hardest by the cost of COVID-19.

Earlier today, the Senate Appropriations Committee approved an executive order from the Governor to reduce current-year spending as a part of that process. It is always difficult to cut spending in the middle of a fiscal year. I want to thank the administration and my colleagues in both the House and Senate for their hard work to make the reductions as minimal of an impact as possible to the important priorities like education, public safety, and Michigan families.

Before you now are the next steps to balance the 2020 budget. The budget supplements direct additional federal COVID-19 funds to cover expenses by schools and local governments due to the virus. With these impacts, we will have sent over \$3 billion in federal COVID-19 relief funds to our schools, communities, job creators, workers, and families impacted by the pandemic, including \$555 million for schools, \$200 million for universities and community colleges, and \$350 million to local governments. Michigan teachers—who have gone above and beyond to educate our kids since the onset of COVID-19 in Michigan—

will receive a \$500 one-time hazard pay and additional school employees are in consideration for additional dollars for their support as well. Schools will receive federal dollars to cover the costs incurred at the end of the last school year and as we prepare to reopen this fall. We have also given to our hospitals and our doctors over \$2.2 billion of care funds as well. The plan also utilizes \$350 million in reserve funds to support funding for critical programs. When I first took office, we were at, I believe, \$2 million in the fund. We are now at \$1.2 billion, with this \$350 million now being able to be used from that.

I would like to specifically thank the Appropriations Committee members for all of their work and recommendations. I ask for your support on these supplemental bills.

Senator Hertel's statement is as follows:

Colleagues, in difficult times true public servants and true leaders step up to get things done. I want to commend my good friend from across the aisle, Chairman Stamas, the Governor, the State Budget Office, Shane Hernandez, and Jon Hoadley, for working together to solve this problem.

We live in a nation that is plagued by a virus but is also too often plagued by partisanship. It seems that large problems are almost impossible to solve. This is a great example of a group of public servants getting together to solve a problem. While these are all difficult votes, if you had told us a month ago that we would be voting on the floor of the Senate on a solution that gave more money to schools, more money to our municipalities, didn't include massive layoffs, and no major cuts to social welfare programs, I think people would have told you that you were crazy. The fact that that was able to be worked together and accomplished is a testament to those involved and to what this body can be. I will hope that this is a positive sign for the future, that we can use this as a jumping-off point of working together to solve Michigan's problems.

If we can solve a difficult budget situation like this, Michigan has a lot of problems that need to be solved at this moment, and they can all be solved in the same way—by us talking to each other, listening to each other, taking each other's priorities, working together, and solving problems. I guarantee that when each of us were elected, this is the exact thing that we thought we would do, and the exact thing that should be expected from us.

I'm proud to make this vote today, I'm proud of what our colleagues have accomplished, and I appreciate the bipartisan effort and hopefully a message for the future that if we work together, we can solve big problems and that is exactly what we are here to do.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 134

The motion prevailed.

Senators Moss, McMorrow, Wojno, Geiss, Santana, Brinks, Polehanki and Chang offered the following resolution:

Senate Resolution No. 134.

A resolution to reaffirm the right of the free press to investigate and report on police violence, the use of excessive force by the police, protests, or riots freely and without intimidation or violent obstruction by the government.

Whereas, The First Amendment to the *Constitution of the United States of America* rightfully states that "Congress shall make no law... abridging the freedom of speech, or of the press..."; and

Whereas, Article I, Section 5 of the *Constitution of the State of Michigan of 1963* clearly affirms the right to freely speak, write, express, and publish one's views on all subjects without the infringement of the law upon those liberties of speech or of the press; and

Whereas, For all of American history, the free press has acted as the so-called "Fourth Estate," working to maintain American democracy by exposing political and societal malfeasance and corruption. In doing so, the free press provides an essential service to each American citizen by informing them of, and including them in, the politics of the nation; and

Whereas, Six Justices of the Supreme Court of the United States ruled in favor of the freedom of the press in *New York Times Co. v. United States* (1971), with Justice Hugo Black stating, "The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government. The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose

deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people..."; and

Whereas, Throughout the course of American history, the free press has been under assault by individuals at the highest levels of American government. Because of these attacks, the United States is now ranked 45 out of 180 countries listed in Reporters Without Borders' Press Freedom Index, putting the independence and effectiveness of the press as a tool for public accountability under threat; and

Whereas, While covering protests for the benefit of the public interest, members of the free press have been physically threatened, assaulted, intimidated, and arrested by police and auxiliary forces, including states' national guards, in cities across the nation. In the days between May 26, 2020, and June 3, 2020, the non-partisan U.S. Press Freedom Tracker counted 279 separate violations of the free press in these protests across the United States, including against freelance photographer Linda Tirado, who was shot in the left eye by members of the Minneapolis Police Department using so-called "less than lethal" bullets while covering the recent protests, leaving her permanently blind in one eye; and

Whereas, The institution of the free press and its members are under systematic attack in Michigan. On the evening of June 1, 2020, a team of credentialed, working journalists covering the anti-racist protests in Detroit were chased down, pepper-sprayed, tear-gassed, and physically assaulted by members of the Detroit Police Department in an unacceptable attack on their rights as individuals and as members of the free press. Such violent episodes both diminish the esteem of the greater police force and work to erode the critical watchdog function of the free press in our society; and

Whereas, The continued erosion of the public trust in the free press presents clear dangers to the safety of the members of the press. While police have attacked members of the press to stop them from reporting on their illegal and excessive actions during protests, members of the public have also chosen to chase and attack members of the press and their institutions. On May 30, 2020, a Fox News crew was taunted by protesters in Lafayette Square in Washington, D.C., while protesters in Atlanta physically attacked the headquarters of CNN on May 29, 2020; and

Whereas, The American ideal and constitutional protection of freedom of the press serves as an example for the adoption and continued proliferation of democratic practices worldwide. In times of discord, both domestic and foreign, the global community looks to the United States of America for the strength of its institutions, including our free press. As was noted in a letter to U.S. governors, mayors, and police chiefs by the Committee to Protect Journalists – an independent, nonprofit organization that promotes press freedom worldwide by defending the right of journalists to report the news safely and without fear of reprisal – "Every time an American police officer mistreats a journalist or a protester, their actions empower the despots and autocrats who show no mercy in the relentless suppression of their own people and press"; and

Whereas, The Michigan Legislature will work to defend the right of the free press to report on protests, riots, government, policing work, or any other event or story whose reporting would serve to inform the citizens of the state of Michigan about their government or their society. The Michigan Legislature will ensure that legislation or enforcement action in violation of the constitutional rights of the citizens of the state of Michigan to free speech or to the free press by the federal government, the state, or any of its agents and would be viewed as violations of the First Amendment and of the *Constitution of the State of Michigan of 1963*; now, therefore, be it

Resolved by the Senate, That we reaffirm the right of the free press to investigate and report on police violence, the use of excessive force by the police, protests, or riots freely and without intimidation or violent obstruction by the government.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations. Senator Bayer was named co-sponsor of the resolution.

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

Senate Resolution No. 135

The motion prevailed.

Senator MacDonald offered the following resolution:

Senate Resolution No. 135.

A resolution to urge the United States Congress, the President of the United States, the Secretary of the Air Force, and the Assistant Secretary of the Air Force to consider the City of Sterling Heights, Michigan as the location for the headquarters of the United States Space Force.

Whereas, The United States Space Force is a new branch of the Armed Forces, established on December 20, 2019, with the enactment of the Fiscal Year 2020 National Defense Authorization Act. The

United States Space Force is housed within the Department of the Air Force with the Secretary of the Air Force having overall responsibility and a four-star general known as the Chief of Space Operations serving as the senior military member of the United States Space Force; and

Whereas, The creation of the Space Force gives the U.S. military a capability to develop military space professionals to protect U.S. and allied interests in space. The Space Force will acquire military space systems, develop military doctrine for space power, and organize space forces; and

Whereas, The United States Space Force headquarters and office of the Chief of Space Operations are in the Pentagon. Space Force staff is working to establish a fully-functioning headquarters to execute the full scope of its responsibilities; and

Whereas, The City of Sterling Heights, Michigan, has submitted a nomination to the Assistant Secretary of the Air Force for consideration as the new location for the future headquarters of the United States Space Command; and

Whereas, The City of Sterling Heights is located near the Arsenal of Democracy, a well-known and world-renowned defense business corridor known for innovations, access to elite industrial and academic institutions, and a highly skilled and educated population. The city is also located near the Selfridge Air National Guard Base, making the City of Sterling Heights the ideal location with superior facilities and infrastructure to headquarter the new United States Space Command; now, therefore, be it

Resolved by the Senate, That we urge the United States Congress, the President of the United States, the Secretary of the Air Force, and the Assistant Secretary of the Air Force to consider the City of Sterling Heights, Michigan as the location for the headquarters of the United States Space Force; and be it further

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

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

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator MacGregor moved that the resolution be referred to the Committee on Families, Seniors, and Veterans.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received:

Date: July 1, 2020

Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 963 (Public Act No. 122), being

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 365 (MCL 18.1365), as added by 2019 PA 160.

(Filed with the Secretary of State on July 1, 2020, at 1:38 p.m.)

Date: July 1, 2020

Time: 10:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 690 (Public Act No. 123), being

An act 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.

(Filed with the Secretary of State on July 1, 2020, at 1:40 p.m.)

Date: July 1, 2020

Time: 10:58 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 942 (Public Act No. 126), being

An act to amend 1998 PA 58, entitled “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,” by amending sections 205, 233, 536, 609c, and 1014 (MCL 436.1205, 436.1233, 436.1536, 436.1609c, and 436.2014), section 205 as amended by 2015 PA 246, section 536 as amended by 2019 PA 131, section 609c as added by 2017 PA 130, and section 1014 as added by 2015 PA 47.

(Filed with the Secretary of State on July 1, 2020, at 1:46 p.m.)

Date: July 1, 2020

Time: 11:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 876 (Public Act No. 127), 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 216, 226, 255, 301, 306, 306a, 309, 312f, 314, and 321c (MCL 257.216, 257.226, 257.255, 257.301, 257.306, 257.306a, 257.309, 257.312f, 257.314, and 257.321c), section 216 as amended by 2009 PA 32, section 226 as amended by 2018 PA 342, section 255 as amended by 2018 PA 64, sections 301 and 314 as amended by 2011 PA 159, section 306 as amended by 2015 PA 11, section 306a as added by 2015 PA 11, section 309 as amended by 2016 PA 23, section 312f as amended by 2016 PA 58, and section 321c as amended by 2009 PA 194, and by adding sections 312k and 801k.

(Filed with the Secretary of State on July 1, 2020, at 1:48 p.m.)

Date: July 1, 2020

Time: 11:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 877 (Public Act No. 128), being

An act 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,” by amending sections 2 and 9a (MCL 28.292 and 28.299a), section 2 as amended by 2020 PA 92 and section 9a as added by 2008 PA 32. (Filed with the Secretary of State on July 1, 2020, at 1:50 p.m.)

Date: July 1, 2020

Time: 11:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 878 (Public Act No. 129), 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 sections 4 and 6 (MCL 28.304 and 28.306), section 4 as amended by 2018 PA 47 and section 6 as amended by 2009 PA 211. (Filed with the Secretary of State on July 1, 2020, at 1:52 p.m.)

Date: July 8, 2020

Time: 10:24 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 254 (Public Act No. 135), being

An act to amend 1978 PA 368, entitled “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,” by amending sections 16221 and 16221b (MCL 333.16221 and 333.16221b), section 16221 as amended by 2018 PA 463 and section 16221b as added by 2017 PA 249. (Filed with the Secretary of State on July 8, 2020, at 12:20 p.m.)

Date: July 8, 2020

Time: 10:26 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 248 (Public Act No. 136), being

An act to amend 1978 PA 368, entitled “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,” by amending sections 7333, 16226, 16322, 16501, 16511, 16513, 16521, 16525, 16529, 17744, and 17751 (MCL 333.7333, 333.16226, 333.16322, 333.16501, 333.16511, 333.16513, 333.16521, 333.16525, 333.16529, 333.17744, and 333.17751), section 7333 as amended by 2018 PA 34, section 16226 as amended by 2018 PA 463, sections 16322, 16501, 16511, 16521, 16525, and 16529 as amended by 2019 PA 140, section 16513 as added by 2019 PA 140, section 17744 as added by 2012 PA 209, and section 17751 as amended by 2020 PA 4.

(Filed with the Secretary of State on July 8, 2020, at 12:22 p.m.)

Date: July 8, 2020

Time: 10:28 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 850 (Public Act No. 137), being

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

(Filed with the Secretary of State on July 8, 2020, at 12:24 p.m.)

Date: July 8, 2020

Time: 10:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 696 (Public Act No. 138), being

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 1801 and 1809 (MCL 339.1801 and 339.1809), section 1801 as amended by 2006 PA 300.

(Filed with the Secretary of State on July 8, 2020, at 12:26 p.m.)

Date: July 8, 2020

Time: 10:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 585 (Public Act No. 139), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” by amending sections 11 and 14 (MCL 250.1011 and 250.1014), section 11 as amended by 2020 PA 11, and by adding section 14a.

(Filed with the Secretary of State on July 8, 2020, at 12:28 p.m.)

Date: July 8, 2020

Time: 10:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 517 (Public Act No. 140), being

An act to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by amending the title, as amended by 2010 PA 135, and by adding section 10r.

(Filed with the Secretary of State on July 8, 2020, at 12:30 p.m.)

Date: July 8, 2020

Time: 10:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 173 (Public Act No. 141), 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 section 676E (MCL 257.676d), as added by 2014 PA 303.

(Filed with the Secretary of State on July 8, 2020, at 12:32 p.m.)

Date: July 13, 2020

Time: 1:48 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 630 (Public Act No. 142), being

An act to amend 1978 PA 368, entitled “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.” by amending sections 16111, 16333, 17705, 17706, 17707, 17709, 17722, 17742, 17748, 17767, and 17768 (MCL 333.16111, 333.16333, 333.17705, 333.17706, 333.17707, 333.17709, 333.17722, 333.17742, 333.17748, 333.17767, and 333.17768), section 16111 as amended by 2006 PA 392, section 16333 as amended by 2014 PA 285, section 17705 as amended by 1986 PA 304, section 17706 as amended by 2014 PA 280, sections 17707, 17709, 17722, 17742, 17748, and 17768 as amended by 2020 PA 4, and section 17767 as amended by 1993 PA 79, and by adding sections 17748e and 17748f.

(Filed with the Secretary of State on July 14, 2020, at 10:34 a.m.)

Respectfully,
Gretchen Whitmer
Governor

The following messages from the Governor were received and read:

June 25, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 21 of 1950 (Ex. Sess.), MCL 254.302:

Mackinac Bridge Authority

Ms. Marianna Caroline Cheeseman of P.O. Box 613, St. Ignace, Michigan 49781, county of Mackinac, succeeding Brad Canale whose term expires June 30, 2020, appointed to represent Democrats, for a term commencing July 1, 2020 and expiring June 30, 2026.

Mr. William G. Milliken, Jr. of 505 East Huron Street, Apt. 408, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Matthew McLogan whose term expires June 30, 2020, appointed to represent Independents, for a term commencing July 1, 2020 and expiring June 30, 2026.

June 25, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17221:

Michigan Board of Nursing

Ms. LeQuay S. Brown of 16601 Pinehurst Street, Detroit, Michigan 48221, county of Wayne, succeeding Alana Thomas whose term has expired, appointed to represent licensed practical nurses, for a term commencing June 25, 2020 and expiring June 30, 2023.

Dr. Kimberly S. Lindquist of 445 W. Hurd Road, Monroe, Michigan 48162, county of Monroe, succeeding Mary VanderKolk whose term expires June 30, 2020, appointed to represent registered professional nurses with a master's degree who are engaged in nursing education in a licensed practical nurse program, for a term commencing July 1, 2020 and expiring June 30, 2024.

Ms. Lori Long-Poloni of 8469 Bay Point, Beulah, Michigan 49617, county of Benzie, succeeding Joshua Meringa whose term expires June 30, 2020, appointed to represent registered professional nurses with a baccalaureate degree who are engaged in nursing practice or nursing administration, for a term commencing July 1, 2020 and expiring June 30, 2024.

July 25, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17721:

Michigan Board of Pharmacy

Mr. Kyle A. McCree of 7325 Westminster Circle, Grand Blanc, Michigan 48439, county of Genesee, succeeding Mary Ann Victor who has resigned, appointed to represent the general public, for a term commencing June 25, 2020 and expiring June 30, 2021.

Mr. Michael A. Sleiman of 21505 Garrison Street, Dearborn, Michigan 48124, county of Wayne, succeeding James Stevenson whose term expires June 30, 2020, appointed to represent pharmacists, for a term commencing July 1, 2020 and expiring June 30, 2024.

July 10, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 291 of 1972, MCL 287.603:

Michigan Beef Industry Commission

Mr. Monte J. Bordner of 68730 County Farm Road, Sturgis, Michigan 49091, county of Saint Joseph, succeeding Garry Lee Wiley whose term has expired, appointed to represent members engaged in the raising, breeding, or growing of cattle or calves for beef production, for a term commencing July 10, 2020 and expiring May 31, 2023.

Mr. David A. Clark of 9475 Jefferson Road, Clifford, Michigan 48727, county of Lapeer, reappointed to represent a member engaged in the operation of a public livestock marketing firm, for a term commencing July 10, 2020 and expiring May 31, 2023.

Mr. Bret Schapman of 7130 General Squier, Almont, Michigan 48003, county of Lapeer, reappointed to represent members engaged in the feeding of cattle for beef production, for a term commencing July 10, 2020 and expiring May 31, 2023.

July 10, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 299 of 1980, MCL 339.301, 339.302, 339.303, and 339.902:

Collection Practices Board

Ms. Dani K. Liblang of 2428 Northlawn Boulevard, Birmingham, Michigan 48009, county of Oakland, succeeding Rebecca Roberts whose term has expired, appointed to represent professionals, for a term commencing July 10, 2020 and expiring June 30, 2024.

Mr. Tracy D. Lucas of 24392 Pinnacle Circle, South Lyon, Michigan 48178, county of Oakland, succeeding Nicholas Dondzila whose term has expired, appointed to represent the general public, for a term commencing July 10, 2020 and expiring June 30, 2024.

July 10, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 230 of 1972, MCL 125.1503a:

State Construction Code Commission

Ms. Laurie L. Catey of 402 Park Avenue, Royal Oak, Michigan 48067, county of Oakland, succeeding Michael Boss whose term has expired, appointed to represent the field of professional engineering, for a term commencing July 10, 2020 and expiring January 31, 2024.

Mr. Phillip Copeland of 1025 Thompson Road, Holly, Michigan 48442, county of Oakland, succeeding William E. Duffield whose term has expired, appointed to represent the field of premanufactured housing, for a term commencing July 10, 2020 and expiring January 31, 2023.

Ms. Shanna Draheim of 359 University Drive, East Lansing, Michigan 48823, county of Ingham, succeeding Joseph Sucher whose term has expired, appointed to represent the general public, for a term commencing July 10, 2020 and expiring January 31, 2024.

Mr. Daryl K. Gallant of 1314 Osborn Lake Drive, Brighton, Michigan 48114, county of Livingston, reappointed to represent the field of organized labor, for a term commencing July 10, 2020 and expiring January 31, 2024.

Mr. Justin B. Schott of 4153 Commonwealth Street, Detroit, Michigan 48208, county of Wayne, succeeding Matt Zurbrick whose term has expired, appointed to represent the general public, for a term commencing July 10, 2020 and expiring January 31, 2024.

Mr. Jeffrey Zielke of 356 Nuthatch Road, Ortonville, Michigan 48462, county of Oakland, succeeding Jeffrey Spencer whose term has expired, appointed to represent municipal building inspectors, for a term commencing July 10, 2020 and expiring January 31, 2023.

July 10, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 26 of 1969, MCL 390.392:

Lake Superior State University Board of Control

Ms. Cynthia K. Williams of 844 Pebblebrook Lane, East Lansing, Michigan 48823, county of Ingham, succeeding Rodney Nelson whose term has expired, appointed for a term commencing July 10, 2020 and expiring January 27, 2028.

July 10, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 299 of 1980, MCL 339.301, 339.302, 339.303 and 339.1802:

Board of Examiners in Mortuary Science

Ms. Kristena A. Gilbreath of 210 South Bradley Street, Apt. 203, Mount Pleasant, Michigan 48858, county of Isabella, succeeding Patrick Miller whose term has expired, appointed to represent the general public, for a term commencing July 10, 2020 and expiring June 30, 2024.

Mr. Brian A. Joseph of 1316 Lochmoor Boulevard, Grosse Pointe Woods, Michigan 48236, county of Wayne, succeeding Mark Ransford whose term has expired, appointed to represent professionals, for a term commencing July 10, 2020 and expiring June 30, 2024.

July 10, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17221:

Michigan Board of Nursing

Mrs. Julie M. Reddinger of 1030 East D Street, Iron Mountain, Michigan 49801, county of Dickinson, succeeding Jill DeVries whose term has expired, appointed to represent licensed practical nurses, for a term commencing July 10, 2020 and expiring June 30, 2024.

July 10, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 199 of 1962, MCL 408.323 and 408.324:

Ski Area Safety Board

Mr. Andrew Farron of 1605 Gray Street, Marquette, Michigan 49855, county of Marquette, succeeding Nick Sirdenis whose term has expired, appointed to represent Upper Peninsula ski area managers, for a term commencing July 10, 2020 and expiring June 8, 2024.

Mr. Charles H. Gano of 806 Chippewa Beach Road, Indian River, Michigan 49749, county of Cheboygan, reappointed to represent the Central United States Ski Association, for a term commencing July 10, 2020 and expiring June 8, 2024.

July 10, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 1 of 1968, MCL 10.72:

Michigan Women's Commission

Ms. Danielle K. Atkinson of 622 Walnut Avenue, Royal Oak, Michigan 48073, county of Oakland, succeeding Margaret Derrer whose term expires July 15, 2020, appointed for a term commencing July 16, 2020 and expiring July 15, 2023.

Ms. Catherine Hendrian of 11449 North Ridge Road, Plymouth, Michigan 48170, county of Wayne, succeeding Renee Haley who has resigned, appointed for a term commencing July 16, 2020 and expiring July 15, 2021.

Dr. Sabala R. Mandava, M.D. of 4750 Charing Cross Road, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Christine Etienne whose term expires July 15, 2020, appointed for a term commencing July 16, 2020 and expiring July 15, 2023.

Ms. Faye Nelson of 1356 Lochmoor Boulevard, Grosse Pointe Woods, Michigan 48236, county of Wayne, succeeding Barbara Land whose term expires July 15, 2020, appointed for a term commencing July 16, 2020 and expiring July 15, 2023.

Ms. Vivian Rogers Pickard of 56 Vaughan Ridge Road, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Catherine Hendrian whose term expires July 15, 2020, appointed for a term commencing July 16, 2020 and expiring July 15, 2023.

Ms. Misti M. Rice of 483 Bedlington Drive, Rochester Hills, Michigan 48307, county of Oakland, succeeding Krista Haroutunian whose term expires July 15, 2020, appointed for a term commencing July 16, 2020 and expiring July 15, 2023.

Ms. Margaret Wheeler Derrer of 1860 Luce Street, S.W., Grand Rapids, Michigan 49534, county of Ottawa, succeeding Cathleen Knauf who has resigned, appointed for a term commencing July 16, 2020 and expiring July 15, 2021.

July 17, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 180 of 1981, MCL 400.583:

Commission on Services to the Aging

Mr. Mark G. Bomberg of 6084 25.25 Lane, Gladstone, Michigan 49837, county of Delta, reappointed to represent Republicans, for a term commencing July 29, 2020 and expiring July 28, 2023.

Ms. Nancy W. Duncan of 1420 Lindbergh Drive, Lansing, Michigan 48910, county of Ingham, reappointed to represent Independents, for a term commencing July 29, 2020 and expiring July 28, 2023.

Mr. Walid A. Gammouh of 49509 Galway Drive, Macomb, Michigan 48044, county of Macomb, succeeding Olusola Matthew Adeyanju whose term expires July 28, 2020, appointed to represent Republicans, for a term commencing July 29, 2020 and expiring July 28, 2023.

Mr. Michael L. Pohnl of 2404 Emerald Forest Circle, East Lansing, Michigan 48823, county of Ingham, succeeding Renee Cortright whose term expires July 28, 2020, appointed to represent Independents, for a term commencing July 29, 2020 and expiring July 28, 2023.

Ms. Kristie E. Zamora of 521 Commonwealth Avenue, Flint, Michigan 48503, county of Genesee, reappointed to represent Independents, for a term commencing July 29, 2020 and expiring July 28, 2023.

July 17, 2020

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 299 of 1980, MCL 339.302, 339.303 and 339.1202:

Michigan Board of Cosmetology

Mr. Fletcher Bland of 2450 W. Grand Boulevard, Apt. 714, Detroit, Michigan 48208, county of Wayne, succeeding Kelly Coffee-Tavi who has resigned, appointed to represent the general public, for a term commencing July 17, 2020 and expiring December 31, 2022.

July 17, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17305:

Michigan Board of Nursing Home Administrators

Mr. Daryl K. Henderson, II of 29228 Franklin Hills Drive, Southfield, Michigan 48034, county of Oakland, succeeding Kimberly Kimbrough-Wozniak whose term has expired, appointed to represent nursing home administrators, for a term commencing July 17, 2020 and expiring June 30, 2024.

Mr. Paul D. Pruitt of 14984 GreyBirch Lane, Spring Lake, Michigan 49456, county of Ottawa, succeeding Margaret Chatti whose term has expired, appointed to represent nursing home administrators, for a term commencing July 17, 2020 and expiring June 30, 2024.

Ms. Rita D. Williams of 11206 Northlawn Street, Detroit, Michigan 48204, county of Wayne, succeeding Kristine Dozeman whose term has expired, appointed to represent the general public, for a term commencing July 17, 2020 and expiring June 30, 2024.

July 17, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17421:

Michigan Board of Optometry

Dr. Robert S. Buckingham of 6385 Cottonwood Avenue, Big Rapids, Michigan 49307, county of Newaygo, succeeding John Kaminski whose term has expired, appointed to represent optometrists, for a term commencing July 17, 2020 and expiring June 30, 2024.

Ms. Velma J. Overman of 26775 Stanford Street, Inkster, Michigan 48141, county of Wayne, succeeding Thomas Terres who has resigned, appointed to represent the general public, for a term commencing July 17, 2020 and expiring June 30, 2022.

Dr. Bradley W. Taylor of 6890 Jessie Drive, Saint Helen, Michigan 48656, county of Roscommon, succeeding Nancy Peterson-Klein whose term has expired, appointed to represent optometrists, for a term commencing July 17, 2020 and expiring June 30, 2024.

Dr. Samuel M. Wapner of 4374 Strathdale Court, West Bloomfield, Michigan 48323, county of Oakland, succeeding Carl Powers whose term has expired, appointed to represent optometrists, for a term commencing July 17, 2020 and expiring June 30, 2024.

July 17, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 299 of 1980, MCL 339.302, 339.303 and 339.2603:

Michigan Board of Real Estate Appraisers

Mr. Delbert Denkins of 2390 E. Lemon Creek Road, Berrien Springs, Michigan 49103, county of Berrien, reappointed to represent certified general real estate appraisers, for a term commencing July 17, 2020 and expiring June 30, 2024.

Ms. Jumana Judeh of 19321 Fitzgerald Street, Livonia, Michigan 48152, county of Wayne, succeeding Martin Wagar whose term has expired, appointed to represent certified general real estate appraisers, for a term commencing July 17, 2020 and expiring June 30, 2024.

Mr. David M. Mook of 5286 Rose Way Drive, Bay City, Michigan 48706, county of Bay, succeeding Christian Rodriguez whose term has expired, appointed to represent the general public, for a term commencing July 17, 2020 and expiring June 30, 2024.

July 17, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 299 of 1980, MCL 339.302, 339.303 and 339.2502:

Michigan Board of Real Estate Brokers and Salespersons

Mr. Christopher M. Germain of 317 S. 16th Street, Escanaba, Michigan 49829, county of Delta, succeeding Sara Storch-Lipnitz who has resigned, appointed to represent real estate brokers and salespersons, for a term commencing July 17, 2020 and expiring June 30, 2021.

Mr. Christian Rodriguez of 1259 West Grand River Avenue, Apt. 42D, East Lansing, Michigan 48823, county of Ingham, succeeding Patrick Dean who has resigned, appointed to represent the general public, for a term commencing July 17, 2020 and expiring June 30, 2021.

Ms. Natalie J. Rowe of 3706 Hoover Street, Kalamazoo, Michigan 49008, county of Kalamazoo, reappointed to represent real estate brokers and salespersons, for a term commencing July 17, 2020 and expiring June 30, 2024.

Respectfully,
Gretchen Whitmer
Governor

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

The following message from the Governor was received and read:

**PUBLIC EMPLOYEES AND OFFICERS; STATE AGENCY OR DEPARTMENT
DISCIPLINING AN EMPLOYEE FOR COMMUNICATING WITH A LEGISLATOR**

July 8, 2020

Today I am returning Enrolled Senate Bill 686 to you without my approval.

Our state laws provide robust whistleblower protections and prohibit the State of Michigan from retaliating against an employee for reporting a violation of law. My administration does not intend to change that, and I am committed to protecting whistleblowers and ensuring a safe, transparent state government. My very first executive directive, in fact, directed each department director and autonomous agency head to remind their employees of applicable protections under The Whistleblowers' Protection Act, MCL 15.361 to 15.369 and §§ 2–10 of the rules of the Michigan Civil Service Commission.

Ignoring those existing protections, this legislation aims to score political points by codifying a piece of budget boilerplate that violates the Michigan Constitution. Putting that boilerplate into a standalone bill does nothing to remedy the constitutional defects. Whether and how to discipline employees is a core executive power, entrusted in part to the governor and in part to the Civil Service Commission.

Because this legislation violates both the constitutional separation of powers and article 6, section 5 of the Michigan Constitution of 1963 (detailing the duties of the Civil Service Commission), I am vetoing it.

Respectfully,
Gretchen Whitmer
Governor

The bill was returned from the Governor on July 8, 2020, at 12:54 p.m.

The question being on the passage of the bill the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

USE TAX; COLLECTIONS; COLLECTION OF USE TAX FOR CERTAIN
BUSINESSES AFFECTED BY A DECLARED EMERGENCY; DELAY

SALES TAX; COLLECTIONS; COLLECTION OF SALES TAX FOR CERTAIN
BUSINESSES AFFECTED BY A DECALRED EMERGENCY; DELAY

INDIVIDUAL INCOME TAX; WITHHOLDING REQUIREMENTS; REMITTANCE OF
WITHHOLDING TAX PAYMENTS DURING STATE OF EMERGENCY;
DELAY FOR CERTAIN TAXPAYERS

July 8, 2020

Today I return Enrolled Senate Bills 935, 936, and 937 to you without my approval.

These bills are a commendable effort to provide relief to the people and businesses of Michigan during an unprecedented time of crisis. However, in Michigan, local governments share in sales, income, and use taxes, and allowing for broad deferment of tax remittances would push many local budgets over the precipice into fiscal crisis. These local budgets support essential government services, employ thousands of Michiganders, and are more critical now than they’ve ever been. That is why the state has provided critical direct supports to businesses across the state through the Michigan Economic Development Corporation, rather than relying on tax forbearance.

Specifically, my administration has implemented the following programs to support Michigan businesses in this challenging time:

- \$100 million for the Michigan Small Business Restart Program (applications open July 15),
- \$15 million for the Michigan Agricultural Safety Grant (applications open July 15),
- \$3 million for the Tech Startup Stabilization Fund,
- \$2 million for MEDC’s Capital Access program,
- \$1.5 million for the Michigan Entrepreneur Resilience Fund, in partnership with Michigan Women Forward,

• and many more, which are listed in full at <https://www.michiganbusiness.org/about-medc/covid19/>.

Moreover, Michigan’s Department of Treasury has already developed administrative solutions for the repayment of outstanding income, sales, and use tax remittances. These bills would not only wreak havoc on local budgets, but also frustrate these ongoing efforts to provide tax relief while maintaining revenue.

Respectfully,
Gretchen Whitmer
Governor

These bills were returned from the Governor on July 8, 2020, at 12:54 p.m.

The question being on the passage of the bills the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that further consideration of the bills be postponed for today.

The motion prevailed.

The following message from the Governor was received and read:

July 1, 2020

Today I was pleased to sign Senate Bills 876, 877, and 878, which will grant necessary relief to Michiganders who are otherwise unable to timely renew their operator’s licenses, chauffeur’s licenses, state identification cards, and vehicle registrations due to the COVID-19 pandemic.

These bills codify the provisions of Executive Order 2020-78, which recognized the need for such relief because of the necessary closure of Department of State branch offices for in-person operations in order to mitigate the spread of COVID-19.

In light of the legislation I signed today, Executive Order 2020-78 is no longer necessary. Having signed these bills, I will shortly rescind that order.

Respectfully,
Gretchen Whitmer
Governor

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Polehanki's statement is as follows:

Today, the Senate Democrats will turn in a bill package to suspend all but a few standardized tests for the 2020-2021 school year. We have listened to Michigan's teachers, parents, students, and school administrators who are yearning for our kids to have meaningful face time with their teachers, and as much in-person instructional time as possible in order to recapture lost learning and move forward to new learning.

As legislators, it is our duty to provide schools with the flexibility to best serve the needs of our students in the first new school year in the midst of the COVID-19 global pandemic, and frankly, our students do not need to spend days upon end in front of computers taking state- and federally-mandated tests. Not to mention that social distancing recommendations may vastly reduce testing classroom and computer lab space so that testing time could double or even quadruple.

Neither is it fair to students, teachers, and school districts to use standardized tests—taken by kids after months of lost in-person instruction—to flunk third-graders for their reading scores, punish teachers on their evaluations, and grade schools with A to F marks.

Therefore, all standardized tests and the state-mandated accountability requirements associated with these tests must be paused for this school year, with the exception of the SAT for college entrance purposes, the 11th-grade PSAT for scholarship purposes, and the WIDA exams for purposes of aiding English language learners.

Does this mean we're calling for the elimination of all testing? Absolutely not. Schools will still retain the ability to administer benchmark tests which can drive instruction, monitor progress, and inform parents exactly where their kids stand in core subjects like reading and math. Our local school officials need for us in Lansing to be flexible when it comes to state- and federally-mandated standardized testing during this unprecedented time, and that is why I ask my colleagues to co-sponsor these bills.

Senator Brinks' statement is as follows:

On my desk today, I have a bill that would implement public policy that has been proven to reduce maternal mortality and morbidity rates. The U.S. has the highest rate of maternal mortality in the industrialized world, just behind Russia, and Michigan is at the bottom half of our states. An even grimmer reality emerges when you take into account our mortality disparities between white mothers and mothers of color—Black, American Indian, and Alaskan Native women are two to three times more likely to die from pregnancy-related causes than white women.

This is unacceptable, especially because we have the ability to do something about it. The death of a woman during a pregnancy, at delivery, or after delivery is a tragedy for her family and for society as a whole. The death of a mother affects the whole family and our communities in countless ways. Every day in our country, more than 135 expectant and new mothers, or roughly 50,000 women per year, according to the Centers for Disease Control and Prevention, endure dangerous and life-threatening complications that often leave them wounded, weakened, traumatized, financially devastated, unable to bear more children, or searching in vain for answers about what went wrong. These complications are also a strong factor in a mother's decision whether or not to have more children.

If COVID-19 has taught us anything, it's how much we need parents operating at the top of their game. While it's always true that we must spend every health care dollar in smart ways that maximize the value of preventive care, the current budget crisis makes it even more imperative than ever. There is strong evidence that pregnancy-related public health spending improves maternal health outcomes and narrows Black and white outcome disparities. Study after study tell us that we have tools at our disposal to reduce those numbers because two out of three pregnancy-related deaths are determined to be preventable.

My bill extends the pregnancy-related Medicaid program from 60 days to a year post-partum, ensuring the cost of obtaining needed care will not prevent new mothers from accessing it during this critical time. Preventive treatment and access to post-partum care are significantly less expensive than emergency post-partum care. Policy makers in at least six states—California, Illinois, Missouri, New Jersey, South Carolina, and Tennessee—understand this and are trying to change their outcomes by extending Medicaid coverage to a full year after delivery. Health agencies in Georgia, Texas, Utah, and Washington are recommending similar initiatives.

Here in Michigan, we should be doing the same. Gaps in insurance coverage should never be the reason a woman dies a preventable death after the birth of a child. Extending the duration of pregnancy-related Medicaid ensures continuity of health care for women post-partum for medical concerns arising from pregnancy and can avoid costly and sometimes fatal complications. It reduces the stress of finding new insurance, changing providers, or navigating financial hurdles. It supports ongoing behavioral health and substance use disorder treatment to keep moms health and engaged in parenting which is so important since we know that post-partum depression can show up at any time in the first 12 months after delivery. Extending coverage allows women to maintain their health and focus on their families and make plans to return to work or school. Finally, it promotes healthy development for babies and for all the children in the household.

We should not be adding to the long list of reasons women do not seek medical treatment for post-partum complications, and no child should lose their mother because of a lack of access to health care. While emergency measures have been put in place during this pandemic to keep mothers enrolled in pregnancy-related Medicaid, we should take this opportunity to make permanent this extension of coverage that so clearly has the benefit of saving lives. I invite your co-sponsorship of this legislation.

Senator Bayer's statement is as follows:

My colleagues, as I stand here today and talk about a bill that we are introducing today as part of that important package of education bills, I have my mask and I'm delighted to see you all wearing your masks here and in committee. It's been great because we're in the middle of a pandemic. It has claimed over 6,000 lives and we here in the Senate—like everyone across state—we're changing our habits. We're adjusting and modifying how things work. We do it here, businesses are doing it, all environments are having to do this in dealing with how we live through this pandemic.

Our schools need to be able to adapt as well. The package introduced today allows schools to do that—to use their discretion and their experience to modify their circumstances; modify how things are done so they can best serve their students. This bill that I'm introducing today simply says that school districts and intermediate school districts and public school academies are not required to conduct annual, year-end evaluations for teachers and administrators in this coming year. That's it. It gives our schools a better chance to use every single minute that they have—every bit of time this year to do what they really need to do, which is to protect and teach our kids.

Evaluations for teachers and administrators take dozens of hours and a lot of planning and a lot of energy and a lot of focus and a lot of stress and no added benefit to our kids. I have a lot of teachers in my district. I bet you do to. I know how hard they work and I know how stressed they are right now about how are they going to deliver a good education this year. Doing everything they can to take care of our children. All of these good teachers start every year by setting goals. They set goals for the individual students based on an assessment that they do of their own—this is not based on standardized tests—to understand what those kids need and they set those goals. And those are what makes the evaluations work. Teachers are in a position this year where they aren't going to be able to do that. These kids are not ready. We have a lot of recovery to do to get through what's happened this year and there is going to be a lot of stress on everybody going into this new school year, so there really isn't—with an unknown environment, with these big changes happening—there is no good way to set goals for these kids. So when you combine that with the real impossibility of doing standardized tests as my colleague addressed, evaluating our teachers in the standard way is just not possible.

So, let's let go of that. Let's let our administrators focus on what they need to do, which is help our teachers and keep our students safe. We can do this simply by forgoing teacher evaluations for one year.

Senator Wojno's statement is as follows:

I'd also like to thank our Democratic and Republican leaders for joining me to pay special tribute to a former colleague of this Senate, a very good friend of mine, my constituent as well, State Senator Art Miller who passed away on June 25 after a battle with lung cancer.

For those of you who knew Art Miller, all of you know that he was an icon here in Lansing. Individuals like Senator Miller possessed an institutional knowledge that very few legislators ever have. Senator Miller served the citizens of Warren, Roseville, Eastpointe, and Sterling Heights for nearly 25 years, and he worked with Governors William Milliken, Jim Blanchard, and John Engler. He served ten years as the Democratic Minority Leader and his work often flew under the radar screen. Art Miller always said, I'm not a headline-grabber. I'd rather hang my hat on accomplishments and forget the headlines.

I've known the Miller family and I've known Art Miller for most of my life growing up in Center Line and Warren. His family was part of the political fabric of our community. His father was the first mayor of Warren; his mother Edna Miller was our Macomb County Clerk for over three decades.

Art loved helping people. He loved the city of Warren, and he loved Macomb County. Anybody that he could help, he would. He had a gift of getting along with people and finding common ground. He was a champion of public service. His motto as the Democratic Senate Leader was, 'No matter what your issue is, we will sit down and find out what your position is, and we'll work it out. We can always find middle ground somewhere between the caucus room and the Senate floor.'

I had the unique privilege of serving in the House in the late 1990s working with Senator Miller. In 2018 I was elected to serve in this chamber and much of the same district that Art represented for so many years. As Warren's legislative liaison, Art would hold luncheon court at Kelly's on Tuesdays and Thursdays here in Lansing with our Macomb delegation. There wasn't an issue or person in this city that Art wasn't versed on. He knew Lansing and he offered his advice on how to get things done.

What I remember most about Art Miller is his passion for this legislative process and all of us involved in it. He truly loved it. There's other things he loved too, such as MSU football and MSU basketball. MSU basketball was one of Art's passions and March Madness and Art Miller went hand-in-hand. It's sad that this year during this time of his illness and COVID-19, he wasn't able to enjoy this tournament he had loved and looked forward to every year. But he did have the continuing love of his family who supported him these past few months. He leaves behind his wife Marsha of nearly 50 years, daughters Holly and Nicole, sons Arthur and Derek, and seven grandchildren. He also leaves behind a legacy here in Lansing that has a positive impact on millions of Michiganders and their families in the 25 years of his service in the State Senate.

A moment of silence was observed in memory of Art Miller, Jr., former member of the Senate.

Senator Geiss' statement is as follows:

On my desk today I have a bill that would establish the African, Caribbean, and Diaspora Commission. With Black people from across the diaspora representing 14 percent of the state population, we're the one large ethnic group that does not have representation among the state's ethnic commissions. As we examine the issues of racial equity, systemic institutional racism, implicit bias, and other issues that disproportionately affect the Black community across the board, it is long overdue to have such a commission.

The commission would be tasked with reviewing, studying, encouraging, and recognizing the achievements of Black people in Michigan from across the diaspora and would also advise the Governor, Legislature, and Department of Civil Rights on changes that can be made to state policies and programs as well as addressing systemic barriers unique to the Black community in Michigan. It will help us bend the moral arc towards justice and establishing this commission is the right thing to do. The time is now and I welcome your co-sponsorship to fill this gap in our ethnic commissions here in the state of Michigan.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, June 21:

**House Bill Nos. 5551 5684 5685 5686 5687 5688 5689 5690 5691 5692 5693 5694 5695
5696 5697 5698 5802 5803 5804**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, June 25 for her approval the following bill:

Enrolled Senate Bill No. 963 at 2:44 p.m.

The Secretary announced the enrollment printing, certification and filing with the Secretary of State on Tuesday, June 30 the following joint resolution:

Enrolled Senate Joint Resolution G at 11:00 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 30 for her approval the following bills:

**Enrolled Senate Bill No. 173 at 10:53 a.m.
Enrolled Senate Bill No. 248 at 10:55 a.m.
Enrolled Senate Bill No. 254 at 10:57 a.m.
Enrolled Senate Bill No. 517 at 10:59 a.m.
Enrolled Senate Bill No. 585 at 11:01 a.m.
Enrolled Senate Bill No. 630 at 11:03 a.m.
Enrolled Senate Bill No. 686 at 11:05 a.m.
Enrolled Senate Bill No. 696 at 11:07 a.m.
Enrolled Senate Bill No. 850 at 11:09 a.m.
Enrolled Senate Bill No. 876 at 11:11 a.m.
Enrolled Senate Bill No. 877 at 11:13 a.m.
Enrolled Senate Bill No. 878 at 11:15 a.m.
Enrolled Senate Bill No. 935 at 11:17 a.m.
Enrolled Senate Bill No. 936 at 11:19 a.m.
Enrolled Senate Bill No. 937 at 11:21 a.m.
Enrolled Senate Bill No. 942 at 11:23 a.m.**

The Secretary announced that the following bills, joint resolution, and resolutions were printed and filed on Thursday, June 25, and are available on the Michigan Legislature website:

Senate Bill Nos.	985	986	987	988	989	990	991	992	993	994	995	996	997	
	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	
Senate Joint Resolution	P													
Senate Concurrent Resolution Nos.					29									30
Senate Resolution Nos.	117	131	132	133										
House Bill Nos.	5918	5919	5920	5921	5922	5923	5924	5925	5926	5927	5928	5929	5930	
	5931	5932												

The Secretary announced that the following bills were printed and filed on Tuesday, July 21, and are available on the Michigan Legislature website:

House Bill Nos.	5933	5934	5935	5936	5937	5938	5939	5940	5941	5942	5943	5944	5945
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Committee Reports

The Committee on Judiciary and Public Safety reported

House Bill No. 4980, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending sections 2, 3, and 4 (MCL 780.622, 780.623, and 780.624), sections 2 and 4 as amended by 2014 PA 335 and section 3 as amended by 2014 PA 463, and by adding section 1g.

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

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 4981, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," (MCL 780.621 to 780.624) by adding section 1c.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4982, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," (MCL 780.621 to 780.624) by adding section 1e.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 4983, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties;" (MCL 780.621 to 780.624) by adding section 1d.

With the recommendation that the bill pass.

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

Peter J. Lucido

Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4984, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties;" by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

With the recommendation that the bill pass.

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

Peter J. Lucido

Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 4985, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties;" (MCL 780.621 to 780.624) by adding section 1b.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Peter J. Lucido

Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 5336, entitled

A bill to amend 2018 PA 16, entitled "Uniform commercial real estate receivership act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 25 (MCL 554.1011, 554.1012,

554.1013, 554.1014, 554.1015, 554.1016, 554.1017, 554.1018, 554.1021, 554.1022, 554.1023, 554.1024, 554.1025, 554.1026, 554.1028, 554.1029, 554.1030, 554.1031, and 554.1035).

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.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

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

The Committee on Judiciary and Public Safety reported

House Bill No. 5490, entitled

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending sections 102 and 206 (MCL 333.27102 and 333.27206), section 102 as amended by 2019 PA 3 and section 206 as amended by 2020 PA 32, and by adding section 206a.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5491, entitled

A bill to amend 2018 IL 1, entitled "Michigan Regulation and Taxation of Marihuana Act," by amending sections 3 and 8 (MCL 333.27953 and 333.27958), section 8 as amended by 2020 PA 31, and by adding section 9a.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

Senate Joint Resolution K, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article I, to prohibit involuntary servitude for the punishment of crime.

With the recommendation that the joint resolution be adopted.

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The joint resolution was referred to the Committee of the Whole.

The Committee on Judiciary and Public Safety reported

House Bill No. 5120, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic

records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," (MCL 780.621 to 780.624) by adding section 1f.

With the recommendation that the bill pass.

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

Peter J. Lucido
Chairperson

To Report Out:

Yeas: Senators Lucido, VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Wednesday, June 24, 2020, at 3:00 p.m., Room 403, 4th Floor, Capitol Building

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

The Committee on Agriculture reported

Senate Bill No. 419, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending the title and sections 1, 2, 5a, 6, 7, 8, 8a, 8b, 8c, 9a, and 9b (MCL 287.331, 287.332, 287.335a, 287.336, 287.337, 287.338, 287.338a, 287.338b, 287.338c, 287.339a, and 287.339b), the title and section 8 as amended and sections 8a and 9a as added by 1997 PA 7, sections 1 and 8b as amended by 2017 PA 84, sections 2, 5a, 6, and 7 as amended and section 8c as added by 2016 PA 392, and section 9b as amended by 2007 PA 79, and by adding section 8d.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Kevin Daley
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Agriculture reported

Senate Bill No. 777, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 653c.

With the recommendation that the bill pass.

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

Kevin Daley
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, June 25, 2020, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators Daley (C), Victory, Lauwers, Polehanki and Brinks

The Committee on Government Operations reported

Senate Joint Resolution L, entitled

A joint resolution applying to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for federal officials and members of Congress.

With the recommendation that the joint resolution be adopted.

Mike Shirkey
Chairperson

To Report Out:

Yeas: Senators Shirkey, Lauwers and Nesbitt

Nays: Senators Ananich and Chang

The joint resolution was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Thursday, June 25, 2020, at 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Shirkey (C), Lauwers, Nesbitt, Ananich and Chang

The Committee on Appropriations reported

House Bill No. 5265, 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.

With the recommendation that the substitute (S-3) 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, Victory, Hertel, Bayer and McCann

Nays: Senator Irwin

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:

Joint meeting held on Wednesday, July 22, 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, Irwin, McCann and Santana

Excused: Senator Hollier

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:

Meeting held on Wednesday, July 8, 2020, at 9:30 a.m., Room 352, House Office Building

Present: Senators Nesbitt, LaSata, Schmidt, Hertel and Hollier

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Wednesday, July 8, 2020, at 10:00 a.m., Room 403, 4th Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:
 Meeting held on Wednesday, July 8, 2020, at 12:00 noon, Room 352, House Office Building
 Present: Senators Nesbitt, LaSata, Schmidt, Hertel and Hollier

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:
 Joint meeting held on Wednesday, July 15, 2020, at 10:30 a.m., Room 352, House Appropriations Room,
 3rd Floor, Capitol Building
 Present: Senators Theis (C), Bumstead, Runestad, Daley, Polehanki and Geiss
 Excused: Senator Horn

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:
 Meeting held on Wednesday, July 15, 2020, at 1:30 p.m., Room 352, House Office Building
 Present: Senators Nesbitt, LaSata, Schmidt and Hertel
 Excused: Senator Hollier

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:
 Meeting held on Wednesday, July 22, 2020, at 8:00 a.m., Room 403, 4th Floor, Capitol Building
 Present: Senators McBroom (C), Bumstead, Outman, Schmidt and McCann

Scheduled Meetings

Advice and Consent - Thursday, July 23, 12:00 noon, Room 403, 4th Floor, Capitol Building
 (517) 373-5314

Appropriations -**Subcommittees -**

Community Health/Human Services - Thursday, July 23, 8:00 a.m., Harry T. Gast Appropriations
 Room, 3rd Floor, Capitol Building (517) 373-2768

K-12 and Michigan Department of Education - Thursday, July 23, 8:30 a.m., Room 403, 4th Floor,
 Capitol Building (517) 373-2768

**Licensing and Regulatory Affairs (LARA/Department of Insurance and Financial Services
 (DIFS)** - Thursday, July 23, 9:00 a.m., Room 1300, Binsfeld Office Building (517) 373-2768

Natural Resources and Environment, Great Lakes, and Energy - Thursday, July 23, 11:00 a.m.,
 Room 1200, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges - Thursday, July 23, 3:00 p.m., Harry T. Gast Appropriations
 Room, 3rd Floor, Capitol Building (517) 373-2768

COVID-19 Pandemic, Joint Select - Thursday, July 23, 8:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

Elections - Wednesday, July 29, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

Health Policy and Human Services - Thursday, July 23, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Insurance and Banking - Thursday, July 23, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5314

Judiciary and Public Safety - Thursday, July 23, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

Oversight - Wednesday, July 22, 2:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Regulatory Reform - Tuesday, July 28, 3:00 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 12:32 p.m.

Pursuant to House Concurrent Resolution No. 28, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, July 23, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

