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House Chamber, Lansing, Tuesday, April 7, 2020.

10:00 a.m.

The House was called to order by the Speaker.

Due to Coronavirus COVID-19 pandemic and the Stay Home, Stay Safe order, session on Wednesday, April 1, 2020 was cancelled.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Afendoulis—present	Filler—present	Jones—excused	Rabhi—present
Albert—present	Frederick—present	Kahle—present	Reilly—present
Alexander—present	Garrett—excused	Kennedy—present	Rendon—present
Allor—excused	Garza—present	Koleszar—present	Sabo—present
Anthony—present	Gay-Dagnogo—excused	Kuppa—present	Schroeder—present
Bellino—present	Glenn—present	LaFave—present	Shannon—present
Berman—present	Green—present	LaGrand—excused	Sheppard—present
Bolden—excused	Greig—present	Lasinski—present	Slagh—present
Bollin—present	Griffin—present	Leutheuser—excused	Sneller—present
Brann—present	Guerra—present	Liberati—excused	Sowerby—present
Brixie—excused	Haadsma—present	Lightner—present	Stone—excused
Byrd—excused	Hall—present	Lilly—present	Tate—present
Calley—present	Hammoud—present	Love—present	VanSingel—present
Cambensy—excused	Hauck—present	Lower—present	VanWoerkom—present
Camilleri—present	Hernandez—present	Maddock—present	Vaupel—present
Carter, B.—excused	Hertel—excused	Manoogian—present	Wakeman—present
Carter, T.—excused	Hoadley—present	Marino—present	Warren—present
Chatfield—present	Hoitenga—present	Markkanen—excused	Webber—present
Cherry—present	Hood—excused	Meerman—present	Wendzel—present
Chirkun—excused	Hope—excused	Miller—present	Wentworth—present
Clemente—excused	Hornberger—present	Mueller—excused	Whiteford—present
Cole—present	Howell—present	Neeley, C.—present	Whitsett—excused
Coleman—present	Huizenga—present	O'Malley—present	Wittenberg—excused
Crawford—excused	Iden—present	Pagan—excused	Witwer—present
Eisen—present	Inman—excused	Paquette—present	Wozniak—excused
Elder—excused	Johnson, C.—excused	Peterson—present	Yancey—excused
Ellison—excused	Johnson, S.—present	Pohutsky—present	Yaroch—present
Farrington—present			

e/d/s = entered during session

Speaker Lee Chatfield, from the 107th District, offered the following invocation:

“Father in heaven, Lord, we thank You for the privilege and opportunity You’ve given us all to serve You here in the Michigan House of Representatives. I pray that we would not take that responsibility lightly. Lord, You tell us in the scriptures that if anyone lacks wisdom, to ask of You and You will give to them. What we’re doing this morning, Lord, is asking You for wisdom and discretion and I pray Lord, that as the father of lights, You will illuminate us as to the best path forward. I pray that You continue to watch over President Trump and Governor Whitmer as they lead this country and state respectively. I pray that You would, to them as well, give them wisdom and discernment as to the best decisions that should be made to ensure that we can keep our state and country moving forward and keep our families safe. I pray that You would bless the proceedings of today. I pray that You would watch over us today and in the coming weeks and months. I pray that You would put a special hand of protection on the state of Michigan and watch over us. And I pray that everything that is said and done would bring You honor and glory. We pray all these things in the name of Your son Jesus Christ, Amen.”

Rep. Cole moved that Reps. Allor, Bolden, Brixie, Byrd, Cambensy, Brenda Carter, Tyrone Carter, Chirkun, Clemente, Crawford, Elder, Ellison, Garrett, Gay-Dagnogo, Hertel, Hood, Hope, Inman, Cynthia Johnson, Jones, LaGrand, Leutheuser, Liberati, Markkanen, Mueller, Pagan, Stone, Whitsett, Wittenberg, Wozniak and Yancey be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Rep. Greig offered the following resolution:

House Resolution No. 245.

A resolution prescribing Temporary Rules for Emergency Operation of the House of Representatives.

Whereas, The purpose of these Temporary Rules for Emergency Operation of the House of Representatives is to maintain continuity of the legislative operations of the House, which in turn protects the health, safety, and welfare of the people of Michigan; and

Whereas, On March 10, 2020, Governor Whitmer issued Executive Order 2020-04 declaring a state of emergency across the state of Michigan to address the COVID-19 pandemic. This new 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; and

Whereas, On April 1, 2020, Governor Whitmer issued Executive Order 2020-33 declaring both a state of emergency and state of disaster across the state of Michigan to address the continued spread of COVID-19 and the widespread and severe health, economic, and social harms associated with the pandemic; and

Whereas, The House recognizes that the best way to slow the spread of COVID-19 and “flatten the curve” is to maintain appropriate social distancing as recommended by the Centers for Disease Control and Prevention; and

Whereas, The House finds that continuing to conduct its committee meetings and House session through in-person assemblages endangers the health, safety, and welfare of Members, staff, and the general public and imperils the House’s ability to continue legislative operations during this pandemic; and

Whereas, Article IV, Section 16 of the *Constitution of the State of Michigan of 1963* provides that: “Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings...”; now, therefore, be it

Resolved by the House of Representatives, That the following rules be adopted as the Temporary Rules for Emergency Operation of the House of Representatives:

TEMPORARY RULES FOR EMERGENCY OPERATION OF THE HOUSE OF REPRESENTATIVES

Remote Participation in Committee Meetings

Rule 1. (1) During a state of emergency or state of disaster declared by the Governor across the state of Michigan under Section 3 of the Emergency Management Act, 1976 PA 390, the Speaker, with the agreement of the Minority Leader, may authorize a standing committee or special committee to conduct a

committee meeting in which Members of the committee and the public participate remotely by electronic means. It is the intent of the House that the Speaker and Minority Leader shall only invoke the authority granted to them by these Temporary Rules when the nature of the emergency or disaster renders in-person meetings of House committees a risk to the health and safety of Members, staff, or the public.

(2) “Remote participation” means simultaneous, interactive participation in a committee meeting by electronic means by some Members of a committee who are not physically present at the location of the meeting.

(3) The committee Chair shall preside over any committee meeting being conducted as authorized by the provisions of these Temporary Rules from the seat of government in Lansing. All other Members of the committee and members of the public shall participate remotely by electronic means.

(4) Staff essential to the conduct of the committee meeting may be physically present with the committee Chair but shall maintain social distancing and undertake other mitigation measures, as recommended by the Centers for Disease Control and Prevention and the Michigan Department of Health and Human Services, to the greatest extent feasible.

(5) Members of committees participating remotely shall be counted for the purpose of determining the presence of a quorum, which shall be established by a roll call.

(6) The electronic means employed for remote committee meetings must safeguard the integrity of the legislative process and maintain the deliberative character of the meeting by providing for simultaneous aural and verbal communication among all participants.

(7) In the event the electronic means of facilitating remote participation in a committee meeting by Members or the public is interrupted, the Chair shall halt the meeting until the electronic means of remote participation is restored to working order. This provision shall not apply to an individual Member of the committee or the public temporarily experiencing loss of connection to the electronic means of remote participation.

(8) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the Open Meetings Act, 1976 PA 267, or the Standing Rules of the House of Representatives.

(9) The right of a person to participate in a committee meeting held by electronic means may not be limited by a requirement that she or he register or otherwise provide his or her name or other identifying information, other than mechanisms necessary to permit the person to provide testimony to the committee during the meeting. A committee may also use electronic means to facilitate typed testimony that may be read to or shared with Members of the committee and the public.

(10) Members participating remotely by electronic means may cast votes on all bills, resolutions, and motions brought to a vote by the committee as if the Members were physically present at the committee meeting. All votes taken during a committee meeting held by electronic means shall be by roll call vote to avoid any question as to how each committee Member votes.

(11) The committee Chair shall verify the identity of the voting Member.

(12) A Member participating remotely by electronic means in any committee meeting shall provide the Committee Clerk with a written certification confirming that it was, in fact, that Member present and voting by electronic means at any such meeting within 48 hours of the adjournment of the meeting. All such certifications shall be appended to the minutes of the committee meeting. The Clerk of the House may prescribe the format of the certification.

(13) The House Business Office shall recommend or provide suitable electronic means that enables Members to participate remotely in committee meetings, in consultation with the Clerk of the House, and under the direction of the Speaker.

(14) All committee meetings conducted as authorized by the provisions of these Temporary Rules shall be webcast live on the House website. Audio and/or video recordings of all such committee meetings shall be made available to the public on the House website. To the greatest extent practicable, as determined by the Clerk of the House, such committee meetings will be broadcast on House television.

Remote Participation in House Session

Rule 2. (1) During a state of emergency or state of disaster declared by the Governor across the state of Michigan under Section 3 of the Emergency Management Act, 1976 PA 390, the Speaker, with the agreement of the Minority Leader, may extend the bar of the House to allow for one or more Members to be in attendance and participate remotely by electronic means. It is the intent of the House that the Speaker and Minority Leader shall only invoke the authority granted to them by these Temporary Rules when the nature of the emergency or disaster renders in-person House session a risk to the health and safety of Members, staff, or the public.

(2) “Remote participation” means simultaneous, interactive participation in House session by electronic means by some Members not physically present in the House Chambers.

(3) The Speaker, or the designee of the Speaker, shall preside over any session of the House being conducted as authorized by the provisions of these Temporary Rules from within the House Chambers at the seat of government in Lansing. The Speaker Pro Tempore, Majority Floor Leader, Minority Leader, and Minority Floor Leader shall also be physically present, unless excused. All other Members are strongly encouraged to participate remotely in session by electronic means. Members physically present shall maintain social distancing and undertake other mitigation measures to the greatest extent feasible.

(4) During any House session conducted as authorized by the provisions of these Temporary Rules, the doors of the House shall be open, unless the public security otherwise requires. Any members of the public physically present in the gallery shall be required to maintain appropriate social distancing. Members of the public are strongly encouraged to observe House session remotely, as an alternative to physical presence.

(5) Staff essential to the conduct of session, including the Clerk of the House, may be physically present in the House Chambers, but shall maintain social distancing and undertake other mitigation measures to the greatest extent feasible.

(6) Members participating remotely shall be counted for the purpose of determining the presence of a quorum, which shall be established by a roll call.

(7) The electronic means employed for remote participation in House session must safeguard the integrity of the legislative process and maintain the deliberative character of the meeting by providing for simultaneous aural and verbal communication among all participants.

(8) In the event the electronic means of facilitating remote participation in House session by Members is interrupted, the Presiding Officer shall halt session until the electronic means of remote participation is restored to working order. This provision shall not apply to an individual Member experiencing loss of connection to the electronic means of remote participation.

(9) Members participating in House session remotely by electronic means may cast votes on all bills, resolutions, and motions brought to a vote as if the Members were physically present in the House Chambers. All votes taken on the final passage of a bill or adoption of a resolution during any House session held by electronic means shall be by roll call vote to avoid any question as to how each Member votes. The Clerk of the House, or the designee of the Clerk, shall call the roll.

(10) The Presiding Officer shall verify the identity of the voting Member.

(11) A Member participating remotely by electronic means in any House session shall provide the Clerk of the House with a written certification confirming that it was, in fact, that Member present and voting by electronic means in such a session within 48 hours of the adjournment of such session. All such certifications shall be entered in the House Journal. The Clerk of the House may prescribe the format of the certification.

(12) The House Business Office shall provide suitable electronic means that enables Members to participate remotely in House Session, in consultation with the Clerk of the House, and under the direction of the Speaker.

(13) All House sessions conducted as authorized by the provisions of these Temporary Rules shall be webcast live on the House website. Audio and/or video recordings of all such sessions shall be made available to the public on the House website. All House sessions conducted by electronic means will be broadcast on House television.

Effect on Standing Rules

Rule 3. Except to the extent that they conflict with these Temporary Rules, the Standing Rules of the House of Representatives, as adopted in House Resolution No. 1 of 2019, on January 9, 2019, remain in full force and effect.

Expiration of Temporary Rules

Rule 4. These Temporary Rules for Emergency Operation of the House of Representatives shall expire after the state of emergency or state of disaster declared by the Governor across the state of Michigan under Section 3 of the Emergency Management Act, 1976 PA 390, and relied upon by the Speaker and Minority Leader to invoke these Temporary Rules, is terminated by the Governor or by operation of law, unless otherwise further extended in accordance with the Standing Rules of the House of Representatives.

The resolution was referred to the Committee on Government Operations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 30.403.

Rep. Greig offered the following concurrent resolution:

House Concurrent Resolution No. 19.

A concurrent resolution to approve an extension of the state of emergency and state of disaster declared by the Governor in response to the COVID-19 pandemic.

Whereas, On March 10, 2020, Governor Whitmer issued Executive Order 2020-04 declaring a state of emergency across the state of Michigan to address the COVID-19 pandemic. This new 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; and

Whereas, On April 1, 2020, Governor Whitmer issued Executive Order 2020-33 declaring both a state of emergency and state of disaster across the state of Michigan to address the continued spread of COVID-19 and the widespread and severe health, economic, and social harms associated with the pandemic; and

Whereas, It is in the best interest of the state of Michigan to continue to provide resources across the state, and to take appropriate measures in response to the public health emergency to protect public health and safety and to lessen or avert the threat of more severe and long-lasting impacts on the state; and

Whereas, Pursuant to the *Constitution of the State of Michigan of 1963* and Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403, Governor Whitmer requested on April 1, 2020, that the Legislature approve an extension of the state of emergency and state of disaster for 70 days from the date of this concurrent resolution; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we approve Governor Whitmer's request for an extension of the state of emergency and state of disaster across the state of Michigan declared on April 1, 2020, in response to the COVID-19 pandemic for an additional 70 days from the date of this concurrent resolution until June 16, 2020; and be it further

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

The resolution was referred to the Committee on Government Operations.

Messages from the Senate

Senate Concurrent Resolution No. 24.

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

Whereas, Under the Emergency Management Act, PA 390 of 1976, the Governor may declare a state of disaster and a state of emergency for the reasons specified therein; and

Whereas, A state of disaster or state of emergency declared under the Emergency Management Act continues until the governor finds that the threat or danger has passed, the disaster or emergency has been dealt with to the extent that disaster or emergency conditions no longer exist, or until the declared state of disaster or emergency has been in effect for 28 days; and

Whereas, After 28 days, the governor shall issue an executive order or proclamation declaring the state of disaster or emergency terminated, unless a request by the governor for an extension of the state of disaster or emergency for a specific number of days is approved by resolution of both houses of the legislature; and

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

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

Whereas, The same day, Governor Whitmer requested that the Legislature pass a concurrent resolution extending the state of emergency and state of disaster in Michigan; and

Whereas, On March 29, 2020, the federal government extended nationwide social distancing guidelines through April 30, 2020 to combat the spread of the COVID-19 pandemic; and

Whereas, Due to the ongoing COVID-19 pandemic, the state of emergency and state of disaster must be extended to protect the health and safety of Michigan's citizens; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we approve an extension of the state of emergency and state of disaster declared by Governor Whitmer in Executive Order 2020-4 and Executive Order 2020-33 through April 30, 2020, which is 23 days from the date of this concurrent resolution; and be it further

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

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Rep. Love, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

As of Monday, April 6, 2020, there are over 367,000 confirmed cases of COVID-19 and over 10,000 deaths in the United States. In the state of Michigan, we have 17,221 confirmed cases and 727 deaths. Detroit represents nearly a third of those cases and 196 deaths. According to state data, the virus has not peaked and is predicted to do so in late April or early May.

It is imperative to recognize that with the implementation and an extension of the ‘Stay Home, Stay Safe’ order, our state will be better situated to flatten the COVID-19 curve that is in a steep exponential phase and continues to rise in cases and deaths. Now is not the time for us to vacillate or militate against progress because the virus is rampant, and Michigan families are living with a fear of each other and the unknown.

I support the Governor’s request to temporarily extend the State of Emergency beyond April.

What Republicans have proposed is an ill-advised scheme that puts the politics of the White House before the citizens of Michigan.

Governor Whitmer’s requested extension would allow her to continue to partner with federal officials and the White House, to sure up our economy, protect the public health and save the lives of Michigan families in the fight against the scourge of COVID-19. Therefore, until we have a better grasp and understanding of the virus, we must proceed with an abundance of caution. Michigan cannot afford to falter as we have diligently worked to mitigate the proliferation of this pandemic throughout our state.

Let us remember that it was Governor Whitmer, who took the lead, quickly rallied and demonstrated an aggressive rapid response to the first confirmed cases of COVID-19 on March 10, in recognition of the need to stem the spread of the virus and keep Michigan families safe. Her swift action saved thousands of lives in Michigan.

Legislators should be mindful that we voted 92 to 0 in the House to appropriate \$125 million in response to state coronavirus activities, with \$50 million going to the state Department of Health and Human Services and \$75 million to the Department of Technology, Management, and Budget. That monumental bipartisan effort in the late hours on the night of March 17, 2020, was not in vain, and the effort must not be tarnished nor nullified by the political shortsightedness of the Republicans. What Michiganders need at this critical time is deliberative and decisive action, not political posturing.

It would have been better to have more time and not need it, than to need more time and not have it.”

Rep. Greig, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Concurrent Resolution 24, because it is a measure that is both legally dubious and grossly insufficient to address the public health crisis gripping the state of Michigan today. Michigan desperately needed and, frankly, deserved better than it received from this House and this Legislature. To date, over 17,000 Michiganders have tested positive for COVID-19 and 727 are dead. Governor Whitmer and the public health experts directing Michigan’s response to this deadly pandemic determined that it was necessary and appropriate to extend the Governor’s state of emergency and state of disaster for a period of 70 days. As the Speaker himself has said on more than one occasion, the Governor ‘remains in the best position to make these decisions.’ I agree, which is why I am befuddled and troubled that we would choose this moment to disregard her considered judgement in this matter. No one seriously contends that this crisis will have come to an end by the end of the month, which means SCR 24 guarantees that this House will be required to do in the future what we could have done and should have done today. Inevitably, another extension vote will be required precisely when public health experts predict the COVID-19 pandemic will be at its peak in Michigan

To the extent that the Governor’s state of emergency and state of disaster, declared in Executive Order 2020-33, relies in part on the authority of the Emergency Management Act, 1976 PA 390, Governor Whitmer’s declaration of a state of emergency and state of disaster, may remain in effect without legislative action until April 29. As a result, SCR 24’s ‘extension’ until April 30 is not an extension at all using any intelligible sense of the word. Had this House approved the 70-day extension requested by the Governor today, we would have provided the Governor, doctors and nurses, and first responders with the tools they need to fight this virus, while protecting Members and staff from unnecessary risk.

Finally, SCR 24 sets the Legislature upon an unprecedented course of action that is inconsistent with the text of the Emergency Management Act and past precedent in the Michigan Legislature. The act provides that the Governor may submit ‘a request . . . for an extension of the state of disaster [or state of emergency] for a specific number of days.’ MCL 30.403. The plain text of the statute strongly suggests that the Legislature is permitted to approve or disapprove the Governor’s request, but not to modify it. Such a reading of the Emergency Management Act is further buttressed by the fact that the act declares that: ‘The governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or

emergency.’ Id. Governor Snyder requested that the Legislature extend states of emergency he had declared three times. On each of those three occasions, the Legislature approved Governor Snyder’s requested extension without modification. See 2016 SCR 23; 2016 SCR 28; 2017 HCR 1. Those extensions were for 73, 122, and 56 days, respectively. No attempt to draw factual distinctions between the emergencies at issue in Governor Snyder’s declarations and the present situation justifies disregarding the limitations placed on the Legislature by statute or our past practice.

Michigan needed bipartisan leadership from this Legislature today. The Legislature instead chose political theatre.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Cole moved that when the House adjourns today it stand adjourned until Thursday, April 16, at 10:00 a.m.

The motion prevailed.

Rep. Cole moved that when the House adjourns Thursday, April 16 it stand adjourned until Thursday, April 30, at 10:00 a.m.

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, March 25:

House Bill Nos. 5702 5703

Rep. Cole moved that the House adjourn.

The motion prevailed, the time being 1:10 p.m.

The Speaker declared the House adjourned until Thursday, April 16, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

