

No. 36
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House of Representatives
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House Chamber, Lansing, Thursday, April 30, 2020.

10:00 a.m.

The House was called to order by the Speaker.

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—present	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—present	Sheppard—present
Bolden—present	Greig—present	Lasinski—present	Slagh—present
Bollin—present	Griffin—present	Leutheuser—present	Sneller—present
Brann—present	Guerra—present	Liberati—excused	Sowerby—present
Brixie—present	Haadsma—present	Lightner—present	Stone—present
Byrd—excused	Hall—present	Lilly—present	Tate—present
Calley—present	Hammoud—present	Love—present	VanSingel—present
Cambensy—present	Hauck—present	Lower—present	VanWoerkom—present
Camilleri—present	Hernandez—present	Maddock—present	Vaupel—present
Carter, B.—present	Hertel—present	Manoogian—present	Wakeman—present
Carter, T.—present	Hoadley—present	Marino—present	Warren—present
Chatfield—present	Hoitenga—present	Markkanen—present	Webber—present
Cherry—present	Hood—present	Meerman—present	Wendzel—present
Chirkun—present	Hope—present	Miller—present	Wentworth—present
Clemente—excused	Hornberger—present	Mueller—present	Whiteford—present
Cole—present	Howell—present	Neeley, C.—present	Whitsett—present
Coleman—present	Huizenga—present	O'Malley—present	Wittenberg—excused
Crawford—present	Iden—present	Pagan—excused	Witwer—present
Eisen—present	Inman—present	Paquette—present	Wozniak—present
Elder—present	Johnson, C.—present	Peterson—present	Yancey—excused
Ellison—present	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:

“Heavenly Father, we thank You for another day You have given us to come into this chamber and serve You. Lord, we come before You today humbly seeking Your wisdom, counsel and advice.

Lord, we are looking for direction as we struggle through this current situation that we find ourselves in here in the state of Michigan and in our country.

I pray that You would put Your hand of protection over our president, the governors across the entire country and this legislative body.

I pray that You would bless our deliberations today. I pray that everything we say and do, 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. Byrd, Clemente, Garrett, Gay-Dagnogo, Jones, Liberati, Pagan, Wittenberg and Yancey be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Rep. Cole moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Cole moved that the Committee on Government Operations be discharged from further consideration of **House Bill No. 5709**.

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

The bill was placed on the order of Second Reading of Bills.

Rep. Cole moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Cole moved that the Committee on Government Operations be discharged from further consideration of **Senate Bill No. 858**.

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5709, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 5 (MCL 30.405), as amended by 2006 PA 545.

The bill was read a second time.

Rep. Sheppard moved to amend the bill as follows:

1. Amend page 3, line 6, after “is” by striking out the balance of the line through the first “or” on line 7 and inserting “responsible for a”.

2. Amend page 3, line 7, after “infraction” by striking out “where” and inserting “even if”.

3. Amend page 3, line 11, after “more” by striking out “**that \$250.00**” and inserting “than \$100.00”.

4. Amend page 3, line 13, after “than” by striking out “**\$5,000.00**” and inserting “\$500.00”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Sheppard moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Cole moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5709, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 5 (MCL 30.405), as amended by 2006 PA 545.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 192

Yeas—62

Afendoulis	Frederick	LaGrand	Schroeder
Albert	Glenn	Leutheuser	Sheppard
Alexander	Green	Lightner	Slagh
Allor	Griffin	Lilly	VanSingel
Bellino	Hall	Lower	VanWoerkom
Berman	Hauck	Maddock	Vaupel
Bollin	Hernandez	Marino	Wakeman
Brann	Hoitenga	Markkanen	Webber
Calley	Hornberger	Meerman	Wendzel
Chatfield	Howell	Miller	Wentworth
Cole	Huizenga	Mueller	Whiteford
Coleman	Iden	O’Malley	Whitsett
Crawford	Inman	Paquette	Witwer
Eisen	Johnson, S.	Reilly	Wozniak
Farrington	Kahle	Rendon	Yaroch
Filler	LaFave		

Nays—38

Anthony	Ellison	Johnson, C.	Pohutsky
Bolden	Garza	Kennedy	Rabhi
Brixie	Greig	Koleszar	Sabo
Cambensy	Guerra	Kuppa	Shannon
Camilleri	Haadisma	Lasinski	Sneller
Carter, B.	Hammoud	Love	Sowerby
Carter, T.	Hertel	Manoogian	Stone
Cherry	Hoadley	Neeley, C.	Tate
Chirkun	Hood	Peterson	Warren
Elder	Hope		

In The Chair: Chatfield

The House agreed to the title of the bill.

Rep. Cole moved that the bill be given immediate effect.

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

Second Reading of Bills

Senate Bill No. 858, entitled

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

The bill was read a second time.

Rep. Sheppard moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Cole moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Cole moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 858, entitled

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 193

Yeas—59

Afendoulis	Frederick	LaFave	Schroeder
Albert	Glenn	Leutheuser	Sheppard
Alexander	Green	Lightner	Slagh
Allor	Griffin	Lilly	VanSingel
Bellino	Hall	Lower	VanWoerkom
Berman	Hauck	Maddock	Vaupel
Bollin	Hernandez	Marino	Wakeman
Brann	Hoitenga	Markkanen	Webber
Calley	Hornberger	Meerman	Wendzel
Chatfield	Howell	Miller	Wentworth
Cole	Huizenga	Mueller	Whiteford
Crawford	Iden	O’Malley	Whitsett
Eisen	Inman	Paquette	Wozniak
Farrington	Johnson, S.	Reilly	Yaroch
Filler	Kahle	Rendon	

Nays—41

Anthony	Ellison	Johnson, C.	Pohutsky
Bolden	Garza	Kennedy	Rabhi
Brixie	Greig	Koleszar	Sabo
Cambensy	Guerra	Kuppa	Shannon
Camilleri	Haadsma	LaGrand	Sneller
Carter, B.	Hammoud	Lasinski	Sowerby
Carter, T.	Hertel	Love	Stone
Cherry	Hoadley	Manoogian	Tate
Chirkun	Hood	Neeley, C.	Warren
Coleman	Hope	Peterson	Witwer
Elder			

In The Chair: Chatfield

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

“An act to provide for planning, mitigation, response, and recovery from natural and human-made disaster within and outside this state; to create the Michigan emergency management advisory council and prescribe its powers and duties; to prescribe the powers and duties of certain state and local agencies and officials; to prescribe immunities and liabilities; to provide for the acceptance of gifts; and to repeal acts and parts of acts.”

The House agreed to the full title.

Rep. Cole moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 250** out of numerical order.

Rep. Hernandez offered the following resolution:

House Resolution No. 250.

A resolution authorizing the Speaker of the House to commence legal action on behalf of the House of Representatives challenging the Governor’s authority and actions during the COVID-19 pandemic.

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

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

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

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

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

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Reps. Cherry, Sneller, Chirkun, Manoogian, Kennedy, Sowerby, Hood, Warren, Lasinski, Sabo, Brixie, Hoadley, Koleszar, Bolden, Pohutsky, Stone, Ellison, Hertel, Cambensy, Peterson, Kuppa, Elder, Haadsma, Garrett, Yancey, Cynthia Johnson, Coleman, Witwer, Shannon, Tyrone Carter, Tate, Garza, Hammoud, Guerra, Anthony, Camilleri, Rabhi, Greig and Love offered the following resolution:

House Resolution No. 248.

A resolution to urge the United States Senate to pass the Families First Coronavirus Response Act.

Whereas, The spread of coronavirus disease 2019 (COVID-19), also commonly referred to as the novel coronavirus, has resulted in a global pandemic spreading across 146 countries and other locations. In the most serious cases, this respiratory disease can cause pneumonia in both lungs, and the disease seems to have a higher mortality rate than the flu. Across the world, there are at least 164,837 confirmed cases, and at least 6,470 deaths have been reported to date; and

Whereas, The President of the United States declared a national emergency in response to the coronavirus outbreak, and the U.S. Secretary of Health and Human Services declared a public health emergency. Cases have been reported in nearly every U.S. state and territory, and at least 3,602 confirmed cases and 66 deaths have been reported across the country. The number of cases continues to grow every day; and

Whereas, The coronavirus outbreak has been devastating to the U.S. economy. Businesses and families are doing the right thing and practicing “social distancing “ but with devastating consequences for our nation’s service industries. Not only has consumer spending dropped precipitously, but the outbreak has caused significant turmoil in U.S. financial markets; and

Whereas, The United States House of Representatives overwhelmingly passed the Families First Coronavirus Response Act (H.R. 6201) to provide emergency economic relief for the American people during the coronavirus outbreak. The legislation would provide for paid sick leave, tax credits for small- and medium-sized businesses, and free coronavirus testing, among other measures; and

Whereas, Passing the Families First Coronavirus Response Act would protect the most vulnerable American families and benefit the entire country by implementing measures that bolster the economy and prevent the spread of the disease; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Senate to pass the Families First Coronavirus Response Act; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Love and Kuppa offered the following resolution:

House Resolution No. 249.

A resolution to urge businesses that interact with the public to adopt a “no gloves and/or no mask, no services” policy during the COVID-19 pandemic.

Whereas, SARS-CoV-2, the virus that causes coronavirus disease 2019 (COVID-19), can stay viable in aerosols and on surfaces between several hours and several days. Because the virus is viable for up to 72 hours on plastics and stainless steel, nearly 24 hours on cardboard, and nearly 4 hours on copper, business owners must encourage healthy hygiene habits and other protective measures to minimize the spread of the virus and keep the customers who patronize their establishments safe; and

Whereas, The novel coronavirus has spread across almost the entire world over the past three months, infecting more than 2.5 million people. The virus has continued to spread and has infected more than 800,000 people in the United States and killed more than 44,000. The proliferation of the virus has given rise to a significant number of confirmed cases of COVID-19 in Michigan, heavily impacting areas such as Detroit and Oakland County. Therefore, companies must play a part in reducing and retarding the growth of the virus in Michigan by not risking human lives more than necessary; and

Whereas, The virus is detectable in aerosols for at least three hours and is spread by clinging to small droplets of moisture from the upper respiratory system, which are expelled when people cough, sneeze, and talk. Small droplets emitted from the mouth and nose may travel much farther than 6 feet, depending on the ventilation in the room. People spending time together in close proximity may be exposed to these small droplets, and for many people, their greatest contact with others may occur when transacting business; and

Whereas, Business owners have an obligation to protect their customers from illness and limit their own legal liability. The U.S. Chamber of Commerce claims that a wave of personal injury cases related to COVID-19 could bankrupt businesses. Businesses that are open during the pandemic face the risk of lawsuits for negligence due to a lack of reasonable precautions; and

Whereas, There are many things that businesses can do to limit litigation and ensure a greater degree of safety for customers. Measures, such as social distancing and testing, are already being used to combat the virus. However, in light of the new developments about how the virus spreads, the use of other preventative techniques to save lives must be employed by these establishments. For the general public, reasonable precautions like the use of a cloth face cover, which captures droplets and prevents them from being spread into the environment, is recommended by the White House Task Force and the Centers for Disease Control and Prevention to prevent the transmission of the virus from an infected person; and

Whereas, Businesses in Michigan should follow the lead of those in other states, such as Pennsylvania, California, Rhode Island, and some parts of Texas, that have adopted policies requiring the use of masks and/or gloves in order to receive service. Such a requirement will help slow the spread of the virus and limit the potential liability businesses face at a time when the economy is already struggling; now, therefore, be it

Resolved by the House of Representatives, That we urge businesses that interact with the public to adopt a “no gloves and/or no mask, no services” policy during the COVID-19 pandemic; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Chamber of Commerce.

The resolution was referred to the Committee on Government Operations.

Reps. Cherry, Sneller, Chirkun, Manoogian, Kennedy, Sowerby, Hood, Warren, Lasinski, Sabo, Brixie, Hoadley, Koleszar, Bolden, Pohutsky, Stone, Ellison, Hertel, Cambensy, Peterson, Kuppa, Elder, Haadsma, Garrett, Cynthia Johnson, Witwer, Coleman, Shannon, Tyrone Carter, Tate, Garza, Hammoud, Guerra, Anthony, Camilleri, Rabhi, Greig and Love offered the following concurrent resolution:

House Concurrent Resolution No. 21.

A concurrent resolution to urge the United States Senate to pass the Families First Coronavirus Response Act.

Whereas, The spread of coronavirus disease 2019 (COVID-19), also commonly referred to as the novel coronavirus, has resulted in a global pandemic spreading across 146 countries and other locations. In the most serious cases, this respiratory disease can cause pneumonia in both lungs, and the disease seems to have a higher mortality rate than the flu. Across the world, there are at least 164,837 confirmed cases, and at least 6,470 deaths have been reported to date; and

Whereas, The President of the United States declared a national emergency in response to the coronavirus outbreak, and the U.S. Secretary of Health and Human Services declared a public health emergency. Cases have been reported in nearly every U.S. state and territory, and at least 3,602 confirmed cases and 66 deaths have been reported across the country. The number of cases continues to grow every day; and

Whereas, The coronavirus outbreak has been devastating to the U.S. economy. Businesses and families are doing the right thing and practicing “social distancing “ but with devastating consequences for our nation’s service industries. Not only has consumer spending dropped precipitously, but the outbreak has caused significant turmoil in U.S. financial markets; and

Whereas, The United States House of Representatives overwhelmingly passed the Families First Coronavirus Response Act (H.R. 6201) to provide emergency economic relief for the American people during the coronavirus outbreak. The legislation would provide for paid sick leave, tax credits for small- and medium-sized businesses, and free coronavirus testing, among other measures; and

Whereas, Passing the Families First Coronavirus Response Act would protect the most vulnerable American families and benefit the entire country by implementing measures that bolster the economy and prevent the spread of the disease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Senate to pass the Families First Coronavirus Response Act; and be it further

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

The concurrent resolution was referred to the Committee on Government Operations.

Reps. Hornberger, Steven Johnson, Reilly, Hoytenga, Eisen, Griffin, Meerman, Rendon, Allor, Paquette and Maddock offered the following concurrent resolution:

House Concurrent Resolution No. 22.

A concurrent resolution to demand that the Governor compile and make publicly available certain data, to reject an extension of the state of emergency or disaster, and to encourage the people of Michigan to continue to practice safe social distancing.

Whereas, Under the Emergency Management Act, 1976 PA 390, 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, An executive order or proclamation declaring the state of disaster or emergency shall indicate the area or areas threatened, the conditions causing the emergency, and the conditions permitting the termination of the state of emergency; and

Whereas, On March 10, 2020, Governor Whitmer issued Executive Order 2020-4 declaring a state of emergency across the entire 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 the initial March 10, 2020, declaration to include a state of disaster related to the COVID-19 pandemic through April 30, 2020; and

Whereas, Executive Order 2020-33 states that the state of emergency and the state of disaster will terminate when emergency and disaster conditions no longer exist and appropriate programs have been implemented

to recover from any effects of the statewide emergency and disaster, consistent with the legal authorities upon which the declaration is based and any limits imposed by those authorities, including Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403; and

Whereas, On April 1, 2020, Governor Whitmer requested that the Legislature pass a concurrent resolution extending the state of emergency and state of disaster statewide across Michigan through April 30, 2020; and

Whereas, On April 7, 2020, the Legislature passed Senate Concurrent Resolution No. 24 authorizing Executive Order 2020-33 through April 30, 2020; and

Whereas, Governor Whitmer issued Executive Order 2020-42 to replace Executive Order 2020-21, effective April 9, 2020, and extend the suspension of certain activities across the entire state of Michigan through April 30, 2020; and

Whereas, On April 24, 2020, Governor Whitmer issued Executive Order 2020-59 to replace Executive Order 2020-42 and suspend certain activities across the entire state of Michigan through May 15, 2020; and

Whereas, The duration of Executive Order 2020-59 through May 15, 2020, extends beyond the April 30, 2020, duration of Executive Order 2020-33; and

Whereas, Governor Whitmer did not provide scientific data to justify the state of emergency being declared equally across all 83 counties of the state of Michigan or to demonstrate that the statewide suspension of certain activities under Executive Order 2020-42 and Executive Order 2020-59 were necessary, reasonable, and not creating undue hardships; and

Whereas, Suspension of activities under Executive Order 2020-42 and Executive Order 2020-59 placed arbitrary and inconsistent restrictions, without reasonable scientific justification, on particular activities of a person, sometimes resulting in oppressive consequences, regardless of a person's efforts to implement national guidelines for safe social distancing that combat the spread of COVID-19 and without considering if a person has recovered from COVID-19; and

Whereas, Executive Order 2020-42 and Executive Order 2020-59, placed arbitrary and inconsistent restrictions, without reasonable scientific justification, on some businesses but not on others, regardless of efforts by a business to implement national guidelines for safe social distancing that can combat the spread of COVID-19; and

Whereas, Executive Order 2020-42 and Executive Order 2020-59 placed arbitrary and inconsistent restrictions, without reasonable scientific justification, on individual's rights to associate, assemble, worship, and travel, including but not limited to the ability of a person to assemble for worship or see family members outside of a person's household, regardless of efforts taken to implement national guidelines for safe social distancing that can combat the spread of COVID-19 and without considering if a person has recovered from COVID-19; and

Whereas, COVID-19 has impacted population groups differently, with some high-risk persons who are older or have underlying health conditions being more vulnerable and other low-risk persons able to safely participate in activities by following national guidelines for safe social distancing or if they have recovered from COVID-19; and

Whereas, COVID-19 has impacted areas and regions of the state differently with some counties being able to effectively contain the spread of COVID-19 by following national guidelines for safe social distancing; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we demand that the Governor compile and make available within three days from the date of this concurrent resolution, in a manner easily accessible by the public, detailed data, summarized by county, on:

- The daily number of available hospital related beds occupied by all patients since January 1, 2020, segregated by in-patient beds, negative air flow beds, and intensive care unit (ICU) beds.
- The daily number of available hospital-related beds occupied by verified COVID-19 patients since January 1, 2020, segregated by in-patient beds, negative air flow beds, and ICU beds.
- The daily number of emergency room visits in total and the daily number of emergency room visits by patients testing positive for COVID-19 since January 1, 2020.
- The daily number of verified COVID-19 hospitalizations and verified COVID-19 deaths that are related to retirement or nursing homes since January 1, 2020.
- The daily number of verified COVID-19 hospitalizations and verified COVID-19 deaths of individuals, who have had other pre-existing or underlying health conditions, since January 1, 2020, with a segregation of those health conditions

and a breakout of verified COVID-19 hospitalizations and verified COVID-19 deaths by age, gender, and race.

- The daily number of ventilators available and daily inventories of hospital personal protective equipment since April 9, 2020.
- The number of medical professionals who have been furloughed, had work hours reduced, or received a cut in pay since March 10, 2020.

; and be it further

Resolved, That we demand that all data related to emergency room visits, hospitalizations, and deaths related to COVID-19 patients be verified and confirmed to be COVID-19 positive patients, and the date of emergency visit, hospitalization, or death be recorded as the actual date of occurrence, not the date of any data adjustments being made subsequently; and be it further

Resolved, That we encourage the people of Michigan to continue to follow national guidelines for safe social distancing; and be it further

Resolved, That we reject an extension of the state of emergency and state of disaster declared by Governor Whitmer in Executive Order 2020-33 that is in effect through April 30, 2020; and be it further

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

The concurrent resolution was referred to the Committee on Government Operations.

Rep. Cole moved that when the House adjourns today it stand adjourned until Tuesday, May 5, at 12:00 Noon.

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 Wednesday, April 29:

Senate Bill Nos. 898 899

Messages from the Governor

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

EXECUTIVE ORDER

No. 2020-64

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

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

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

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

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

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

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

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

1. It is the public policy of this state that no person should be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative “worth,” including judgments about a person’s worth based on the presence or absence of disabilities.
2. Health care providers shall take all necessary steps to ensure non-discrimination based on the characteristics described in section 4(a) in the delivery of critical care and allocation of other medical resources to those in need of treatment for physical and psychiatric illnesses.
3. Health care providers shall continue to support individuals’ functional needs to the fullest extent possible. For purposes of this order, “functional needs” includes the needs for independence, communication, transportation, supervision, and medical care. When effective communication requires that a sign language interpreter be present, a sign language interpreter must be permitted to be present, and provided with appropriate PPE.
4. Designated health care facilities shall develop protocols that guide decision-making for medical care in cases where demand for critical medical resources exceeds availability, during the COVID-19 pandemic. Such protocols must enable clinical decision-making based on the best available objective medical evidence, including an individualized assessment of how each patient will respond to treatment. These protocols must also:
 - (a) Prohibit medical decision-making based on social stigma or stereotypes regarding age, color, criminal history, disability, ethnicity, familial status, gender identity, height, homelessness, immigration status, incarceration status, marital status, mental illness, national origin, poverty, race, religion, sex, sexual orientation, socio-economic status, substance abuse disorder, use of government resources, veteran status, or weight.
 - (b) Provide for coordinating and sharing information with DHHS regarding resource availability and transfer availability.
 - (c) Ensure that withholding or delaying care due to lack of critical resources is always a last resort.
 - (d) Require the protocols to be available upon request, and, whenever the protocols are in effect, posted on the internet.
5. For purposes of this order, a “designated health care facility” means a hospital or an entity used as surge capacity by one or more hospitals.
6. DHHS may issue orders and directives to implement this order.
7. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

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

Date: April 29, 2020

Time: 5:00 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

Introduction of Bills

Rep. Chirkun introduced

House Bill No. 5743, entitled

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

The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Anthony introduced

House Bill No. 5744, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 705 (MCL 206.705), as amended by 2011 PA 192.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Anthony introduced

House Bill No. 5745, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1897I) by adding section 265f.

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

Rep. Cherry introduced

House Bill No. 5746, entitled

A bill to create the emergency materials and supplies reserve program; to provide for certain materials and supplies to be stockpiled for use during a declaration of a state of disaster or state of emergency within this state; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; and to create a fund.

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

Rep. Cherry introduced

House Bill No. 5747, 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 time by its title and referred to the Committee on Appropriations.

Rep. Lightner introduced

House Bill No. 5748, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 555, 821, 822, and 8202 (MCL 600.555, 600.821, 600.822, and 600.8202), sections 555 and 8202 as amended by 2016 PA 31, section 821 as amended by 2018 PA 6, and section 822 as amended by 2003 PA 40.

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

Reps. Berman, Meerman, Mueller, Coleman and Markkanen introduced

House Bill No. 5749, entitled

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

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Sheppard introduced

House Bill No. 5750, entitled

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

The bill was read a first time by its title and referred to the Committee on Local Government and Municipal Finance.

Rep. Sheppard introduced

House Bill No. 5751, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 11 (MCL 30.411), as amended by 2005 PA 321.

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

Reps. Tyrone Carter and Cynthia Johnson introduced

House Bill No. 5752, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9e.

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

Reps. Tyrone Carter and Cynthia Johnson introduced

House Bill No. 5753, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 5111 (MCL 333.5111), as amended by 2016 PA 64, and by adding section 5111a.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Cynthia Johnson and Tyrone Carter introduced

House Bill No. 5754, 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 time by its title and referred to the Committee on Appropriations.

Rep. Mueller introduced

House Bill No. 5755, entitled

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

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

Rep. Mueller introduced

House Bill No. 5756, entitled

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

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

Rep. Mueller introduced

House Bill No. 5757, entitled

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

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

Rep. Pohutsky introduced

House Bill No. 5758, entitled

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

The bill was read a first time by its title and referred to the Committee on Commerce and Tourism.

Reps. Cynthia Neeley, Kennedy, Cherry and Love introduced

House Bill No. 5759, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 280.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Cynthia Neeley, Cherry and Love introduced

House Bill No. 5760, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57aa.

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

Rep. Lower introduced

House Bill No. 5761, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding sections 44e and 78t.

The bill was read a first time by its title and referred to the Committee on Local Government and Municipal Finance.

Rep. Webber moved that the House adjourn.

The motion prevailed, the time being 2:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 5, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives

