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House of Representatives
100th Legislature
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House Chamber, Lansing, Wednesday, May 6, 2020.

1:30 p.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 not present.

Rep. Steven Johnson, from the 72nd District, offered the following invocation:

“Heavenly Father we come before You on this wonderful day, Lord, with so much to be grateful for. We are grateful for the beautiful weather You provided, grateful for our prosperity even in this time. You still continue to bless us and we thank You for that. Lord, our state is going through a difficult time, not just our state, our whole nation and we ask that You grant us peace through this time, that You grant us wisdom through this time, and that we know what the right course of action to be. I ask that we look towards You for guidance in what we do. Lord, I ask You bless the work of the legislature this day, that it will be honoring unto You. In Your name, Amen.”

Motions and Resolutions

Rep. Hood offered the following resolution:

House Resolution No. 251.

A resolution to urge the United States Department of Agriculture to grant a federal waiver to temporarily suspend the rules that make college students ineligible for SNAP benefits.

Whereas, The Supplemental Nutrition Assistance Program (SNAP) is the largest federal food safety net program in the United States, serving more than 37 million people annually. SNAP ensures that people across the country have access to food and helps people buy the food they need for good health; and

Whereas, With few exceptions, most able-bodied students enrolled at least half-time in college and other institutions of higher learning are ineligible for SNAP benefits. An exemption from these federal SNAP regulations requires a waiver from the United States Department of Agriculture (USDA); and

Whereas, The COVID-19 pandemic has rendered numerous students ineligible for SNAP, despite being eligible for SNAP prior to the pandemic. Previously, many students maintained eligibility for SNAP benefits by working at least 20 hours per week or participating in a state or federally-financed work study program. These requirements are nearly impossible for students to meet given the widespread business closures and high rates of unemployment; and

Whereas, In response to the COVID-19 pandemic, Michigan and dozens of other states across the country submitted requests to USDA to waive restrictions on student SNAP eligibility to provide relief for students impacted by COVID-19; and

Whereas, On April 10, 2020, USDA issued a mass denial to states requesting student eligibility waivers, including Michigan, stating that these and other regulations do not meet the requirements for waiver approval provided under the Families First Coronavirus Response Act; and

Whereas, Low-income students, who were already at risk of not being able to afford enough food, are even more at risk given their ineligibility for SNAP and the detrimental effects the pandemic has had on the United States economy. Many students may not know where their next meal is coming from; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Agriculture to grant a federal waiver to temporarily suspend the rules that make college students ineligible for SNAP benefits; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Agriculture, the Deputy Under Secretary for Food, Nutrition, and Consumer Services, and the Michigan congressional delegation.

The resolution was referred to the Committee on Appropriations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, May 5:

House Bill Nos. 5762 5763 5764 5765

The Clerk announced that the following bill had been reproduced and made available electronically on Wednesday, May 6:

Senate Bill No. 909

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hernandez, Chair, of the Committee on Appropriations, was received and read:

Meeting held on: Wednesday, May 6, 2020

Present: Reps. Hernandez, Miller, Sheppard, Albert, Allor, Brann, VanSingel, Whiteford, Yaroch, Bollin, Glenn, Green, Huizenga, Lightner, Maddock, Slagh, VanWoerkom, Hoadley, Love, Hammoud, Peterson, Sabo, Anthony, Brixie, Cherry, Hood, Kennedy and Tate

Absent: Rep. Pagan

Excused: Rep. Pagan

Messages from the Governor

The following message from the Governor was received May 5, 2020 and read:

EXECUTIVE ORDER

No. 2020-73

Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons

Rescission of Executive Order 2020-40

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.

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.

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 COVID-19 pandemic has created a steep and immediate demand for certain essential supplies, equipment, and personnel. It has also disrupted the ability of state agencies and departments to conduct business as usual. To ensure this disruption in state operations does not impede the timely delivery of urgently needed resources and personnel during this crisis, it is reasonable and necessary to provide limited and temporary relief from certain credentialing requirements for motor carriers that are providing such critical assistance to this state and its residents.

Executive Order 2020-40 provided such relief. This order extends its duration, as it remains reasonable and necessary to continue to enable motor carriers to provide critical assistance without these requirements. With this order, Executive Order 2020-40 is rescinded.

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

1. The requirements administered by the Department of Treasury ("Department") concerning licensure of motor carriers under section 5 of the Motor Carrier Fuel Tax Act ("MCFTA"), 1980 PA 119, as amended, MCL 207.215, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for violations of those requirements, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
2. The requirements administered by the Department concerning decals for qualified commercial vehicles under section 5 of the MCFTA, MCL 207.215, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for violations of those requirements, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
3. The requirements administered by the Department concerning trip permits for motor carriers under section 7 of the MCFTA, MCL 207.217, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for a motor carrier failing to obtain a trip permit, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
4. Any other requirements administered by the Department concerning the credentialing of motor carriers under the International Fuel Tax Agreement ("IFTA") are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the IFTA and/or the MCFTA for a motor carrier failing to obtain such credentials, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.
5. For purposes of this order, "critical assistance related to the COVID-19 pandemic" means transportation and other relief services that meet immediate needs for any of the following:
 - (a) Medical supplies or equipment related to the testing, diagnosis, or treatment of COVID-19.
 - (b) Supplies or equipment necessary for community safety, sanitation, or the prevention of community transmission of COVID-19, such as masks, gloves, hand sanitizer, soap, and disinfectants.

- (c) Food for the emergency restocking of stores.
- (d) Equipment, supplies, or persons necessary to establish or manage temporary housing, quarantine, or isolation facilities related to the COVID-19 pandemic.
- (e) Persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes.
- (f) Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.

“Critical assistance related to the COVID-19 pandemic” does not include: routine commercial deliveries of supplies, equipment, or persons that are not being transported in support of emergency relief efforts related to the COVID-19 pandemic; or transportation of mixed loads that include essential supplies, equipment, or persons (as described in subsections (a)-(f) of this section) together with supplies, equipment, or persons that are not being transported in support of emergency relief efforts related to the COVID-19 pandemic.

- 6. Except as specifically stated in this order, this order does not suspend, restrict, or waive any other state laws or regulations applicable to motor carriers, including any requirements related to the reporting, payment, or remittance of, or recordkeeping for, taxes imposed or arising under the MCFTA and/or the IFTA.
- 7. This order is effective immediately and continues through June 2, 2020 at 11:59 pm.
- 8. Executive Order 2020-40 is rescinded.

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

Date: May 5, 2020

Time: 6:15 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 5, 2020 and read:

EXECUTIVE ORDER

No. 2020-74

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

Rescission of Executive Order 2020-41

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.

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.

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).

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

Executive Order 2020-41 provided that relief. This order extends and expands that relief, because it remains reasonable and necessary to do so. With this order, Executive Order 2020-41 is rescinded.

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

1. Strict compliance with rules and procedures under the Uniform Electronic Transactions Act (“UETA”), 2000 PA 305, as amended, MCL 450.831 et seq., and the Uniform Real Property Electronic Recording Act (“URPERA”), 2010 PA 123, as amended, MCL 565.841 et seq., is temporarily suspended to the extent necessary to permit the use of an electronic signature for a transaction whenever a signature is required under Michigan law, unless the law specifically mandates a physical signature. As provided in section 7 of the UETA, MCL 450.837, a signature will not be denied legal effect or enforceability solely because it is in electronic form and if a law requires a signature, an electronic signature satisfies the law.
2. Strict compliance with rules and procedures under section 18 of the UETA, MCL 450.848, is temporarily suspended so as to permit each state department to send and accept electronic records and electronic signatures to and from other persons without a determination from or approval by the Department of Technology, Management and Budget.
3. Strict compliance the Michigan Law on Notarial Acts, 2003 PA 238, as amended, MCL 55.261 et seq., is temporarily suspended, to the extent it requires a notary to be in the physical presence of an individual seeking the notary’s services or of any required witnesses.
4. To minimize in-person interaction and facilitate remote work during the declared states of emergency and disaster:
 - (a) Governmental agencies and officials of this state are encouraged to use or permit the use of electronic records and electronic signatures for transaction of business, processing of applications, and recognition of the validity of legal instruments, and, when a notarized signature is mandated by law, to use a remote electronic notary pursuant to the Michigan Law on Notarial Acts, MCL 55.261 et seq.
 - (b) Persons and entities engaged in transactions are encouraged to use electronic records and electronic signatures and, when a notarized signature is mandated by law, to use a remote electronic notary pursuant to the Michigan Law on Notarial Acts, MCL 55.261 et seq.
5. In addition to other means available by law, any notarial act that is required under Michigan law may be performed by a notary who currently holds a valid notarial commission in this state (“notary”) utilizing two-way real-time audiovisual technology, provided that all of the following conditions are met:
 - (a) The two-way real-time audiovisual technology must allow direct interaction between the individual seeking the notary’s services, any witnesses, and the notary, wherein each can communicate simultaneously by sight and sound through an electronic device or process at the time of the notarization.
 - (b) The two-way real-time audiovisual technology must be capable of creating an audio and visual recording of the complete notarial act and such recording must be made and retained as a notarial record in accordance with sections 26b(7) to 26b(9) of the Michigan Law on Notarial Acts, MCL 55.286b(7) to 55.286b(9).
 - (c) The individual seeking the notary’s services and any required witnesses, if not personally known to the notary, must present satisfactory evidence of identity (e.g., a valid state-issued photo identification) to the notary during the video conference, not merely transmit it prior to or after the transaction, to satisfy the requirements of the Michigan Law on Notarial Acts, MCL 55.261 et seq., and any other applicable law.

- (d) The individual seeking the notary's services must affirmatively represent either that the individual is physically situated in this state, or that the individual is physically located outside the geographic boundaries of this state and that either:
 - (1) The document is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of this state; or
 - (2) The document involves property located in the territorial jurisdiction of this state or a transaction substantially connected to this state.

If an individual is physically located outside of the geographic boundaries of this state, the notary must have no actual knowledge that the individual's act of making the statement or signing the document is prohibited by the laws of the jurisdiction in which the individual is physically located.
 - (e) The individual seeking the notary's services, any required witnesses, and the notary must be able to affix their signatures to the document in a manner that renders any subsequent change or modification of the remote online notarial act to be tamper evident.
 - (f) The individual seeking the notary's services or the individual's designee must transmit by fax, mail, or electronic means a legible copy of the entire signed document directly to the notary on the same date it was signed. This requirement shall apply regardless of the manner in which the document is signed.
 - (g) Once the notary has received a legible copy of the document with all necessary signatures, the notary may notarize the document and transmit the notarized document back to the individual seeking the notary's services.
 - (h) The official date and time of the notarization shall be the date and time when the notary witnesses the signature via two-way real-time audiovisual technology as required under this section.
6. Any requirement under Michigan law that an in-person witness attest to or acknowledge an instrument, document, or deed may be satisfied by the use of two-way real-time audiovisual technology, provided that all of the following conditions are met:
- (a) The two-way real-time audiovisual technology must allow direct, contemporaneous interaction by sight and sound between the individual signing the document (the "signatory") and the witness(es).
 - (b) The interaction between the signatory and the witness(es) must be recorded and preserved by the signatory or the signatory's designee for a period of at least three years, unless a law of this state requires a different period of retention.
 - (c) The signatory must affirmatively represent either that the signatory is physically situated in this state, or that the signatory is physically located outside the geographic boundaries of this state and that either of the following apply:
 - (1) The document is intended for filing with or relates to a matter before a court, governmental entity, public official, or other entity subject to the jurisdiction of this state; or
 - (2) The document involves property located in the territorial jurisdiction of this state or a transaction substantially connected to this state.
 - (d) The signatory must affirmatively state during their interaction with the witness(es) on the two-way real-time audiovisual technology what document they are executing.
 - (e) Each title page and signature page of the document being witnessed must be shown to the witness(es) on the two-way real-time audiovisual technology in a manner clearly legible to the witness(es), and every page of the document must be numbered to reflect both the page number of the document and the total number of pages of the document.
 - (f) Each act of signing the document must be captured sufficiently up close on the two-way real-time audiovisual technology for the witness(es) to observe.
 - (g) The signatory or the signatory's designee must transmit by fax, mail, or electronic means a legible copy of the entire signed document directly to the witness(es) within 72 hours of when it is executed.
 - (h) Within 72 hours of receipt, the witness(es) must sign the transmitted copy of the document as a witness and return the signed copy of the document to the signatory or the signatory's designee by fax, mail, or electronic means.
7. Notwithstanding any law or regulation of this state to the contrary, absent an express prohibition in the document against signing in counterparts, any document signed under this order may be signed in counterparts.
8. A guardian, guardian ad litem, or visitor may satisfy any requirement concerning a visit with a person, including but not limited to a visit in the physical presence of a person under the Estates

and Protected Individuals Code, 1998 PA 386, as amended, MCL 700.1101 et seq., by instead conferring with that person via two-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the person being visited and the guardian, guardian ad litem, or visitor.

- 9. Any law of this state requiring an individual to appear personally before or be in the presence of either a notary at the time of a notarization or a witness at the time of attestation or acknowledgment shall be satisfied if the individual, the witness(es), and/or the notary are not in the physical presence of each other but can communicate simultaneously by sight and sound via two-way real-time audiovisual technology at the time of the notarization, attestation, or acknowledgment.
- 10. For the duration of this order and any order that may follow from it, financial institutions and registers of deeds must not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person, witness, or notary, if the notary before whom it was executed certifies that the tangible copy is an accurate copy of the electronic record.
- 11. Strict compliance with section 9(2) of the Michigan Law on Notarial Acts, as amended, MCL 55.269(2), is temporarily suspended to the extent necessary to extend until June 30, 2020 the validity of a notarial commission that expired or is set to expire between March 1, 2020 and June 30, 2020.
- 12. For purposes of the “verified user agreement” requirement of section 4 of the URPERA, MCL 565.844(4), a county recording office must deem all financial institutions and all licensed title insurers or their employed or contracted settlement agents as covered by a verified user agreement for the duration of this order and any order that may follow from it. The recorder may ask the financial institution or title insurance company for verification of a notary’s employment or contractual association.
- 13. As used in this order:
 - (a) “Electronic,” “electronic record,” “electronic signature,” “governmental agency,” “person,” and “transaction” mean those terms as defined under section 2 of the UETA, MCL 450.832.
 - (b) “Financial institution” means that term as defined in section 4(c) of the Michigan Strategic Fund Act, 1984 PA 270, as amended, MCL 125.2004(c).

14. This order is effective immediately and continues through June 30, 2020 at 11:59 pm.

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

Date: May 5, 2020

Time: 9:37 pm

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
JOCELYN BENSON
SECRETARY OF STATE

The message was referred to the Clerk.



The Speaker declared the House adjourned until Thursday, May 7, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives

