

No. 50
STATE OF MICHIGAN
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House Chamber, Lansing, Thursday, June 4, 2020.

12:00 Noon.

The House was called to order by the Assistant Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Motions and Resolutions

Reps. Cynthia Johnson, Love, Rabhi, Jones, Brenda Carter, Brixie, Hood, Bolden, Stone, Manoogian, Hoadley, Wittenberg, Pohutsky, Ellison, Koleszar, Gay-Dagnogo, Sowerby, Tate, Lasinski, Tyrone Carter, Pagan, Peterson, Garrett, Hammoud and Anthony offered the following concurrent resolution:

House Concurrent Resolution No. 25.

A concurrent resolution to declare that racism is a public health crisis in the state of Michigan and commit the Legislature to action and collaboration with the Governor to promote racial equity and justice throughout the entire state of Michigan.

Whereas, Racism is rooted in the foundations of the United States. From the time chattel slavery began in the 1600s, to the Jim Crow era, to the mass incarceration of Black citizens, racism has remained an endemic presence in American society. While the manifestation of prejudice has undergone structural changes over time, the underlying problem remains. People of color have been disadvantaged and subjected to hardships and outright brutality since the founding of our nation; and

Whereas, The COVID-19 Pandemic has highlighted the stark racial injustices that are still present in American society. Black patients across the nation are dying in larger-than-expected, record numbers, and COVID-19 is killing Black people at 2.4 times the rate of White people. In Michigan, Black people make up less than 14 percent of the population, yet they account for 40 percent of the COVID-19 deaths in the state; and

Whereas, Black people are disproportionately suffering in part due to long standing, unaddressed health disparities, as well as systematic racism and other socioeconomic inequities. The Black community experiences disproportionately higher rates of homelessness, incarceration, and economic hardships, which exacerbate existing health issues; and

Whereas, Michigan's racist history has contributed to the current health disparities that Black Michigan residents experience. Discriminatory lending practices in the 20th century, known as redlining, created segregated communities in Michigan. Black communities were limited to areas with restricted access to healthy foods, clean water, and other essential resources, leading to a variety of other health issues, including reduced life expectancy, higher rates of infant mortality, and higher rates of lead poisoning. In addition, Michigan institutions have demonstrated a disregard for Black lives, as was made evident by the Flint water crisis; and

Whereas, Governor Gretchen Whitmer, Lieutenant Governor Garlin Gilchrist, and Michigan's Chief Medical Executive Dr. Joneigh Khaldun have all publicly condemned the racism embedded in every fabric of our culture, voiced support for peaceful protests to bring issues of racism and bigotry to the forefront, and recognized that racial inequities are directly linked to poor health outcomes in Black Americans; and

Whereas, Governor Whitmer signed Executive Order 2020-55 on April 20, 2020, which established the Michigan Coronavirus Task Force on Racial Disparities to examine factors that contribute to racial inequities and make policy recommendations on how to meaningfully address them; and

Whereas, The privileges that other Americans experience inhibit them from fully understanding how racism impacts citizens of color throughout the country, including here in Michigan. Tasks such as driving, walking and simply breathing should not result in citizens of color living in constant fear of being harassed, arrested, shot, or killed as a result of racist policing; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we declare that racism is a public health crisis in the state of Michigan and we commit to working collaboratively with the Governor and every sector of society to develop an ongoing strategy to address, fund, and support solutions that strategically reduce the long-term impact that racism has on the quality of life and health for citizens of color in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to Governor, Lieutenant Governor, the Chief Medical Executive for the Michigan Department of Health and Human Services, and the Director of the Michigan Department of Health and Human Services.

The concurrent resolution was referred to the Committee on Health Policy.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, June 3:

House Bill Nos. 5827 5828 5829

The Clerk announced that the following bills had been reproduced and made available electronically on Thursday, June 4:

Senate Bill Nos. 958 959 960 961

Messages from the Governor

The following message from the Governor was received June 4, 2020 and read:

EXECUTIVE ORDER

No. 2020-113

Enhanced authorization of remote means for carrying out state administrative procedures

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

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

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan

under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the

State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

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

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

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

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

State administrative entities must be able to continue to conduct public business during this emergency, without unnecessarily creating in-person interactions that raise the risk of spreading COVID-19. To mitigate the spread of COVID-19, protect the public health, limit the number of people interacting at public gatherings, encourage social distancing, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to extend the relief provided by Executive Order 2020-80, which allows state administrative procedures to be carried out remotely. With this order, Executive Order 2020-80 is rescinded.

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

1. Hearing officers or arbitrators may conduct Michigan Employment Relations Commission (MERC) hearings by electronic means, including video conferencing. To the extent necessary, strict compliance with the procedural requirements of 1939 PA 176, as amended, MCL 423.1 et seq. (employment relations commission), 1947 PA 336, as amended, MCL 423.201 et seq. (public employment relations), and 1969 PA 312, as amended, MCL 423.231 et seq. (compulsory arbitration of labor disputes in police and fire departments), is temporarily suspended.
2. Notice to MERC, as well as personal service of notice, service of process, or written notice of a dispute relating to an impending strike or an impending lockout, may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under sections 9, 9a, 9d(3), 11, 23(2), and 27 of 1939 PA 176, as amended, MCL 423.9, 423.9a, 423.9d(3), 423.11, 423.23(2), and 423.27, and any other procedural statutes governing MERC, is temporarily suspended.
3. The Unemployment Insurance Agency (UIA) may permit hearings to be held by telephone or electronic means, including video conferencing. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 et seq., is temporarily suspended.
4. Notice to the UIA and written notice by the UIA may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 et seq., is temporarily suspended.

- 5. Hearings held under the Administrative Procedures Act of 1969 (APA), 1969 PA 306, as amended, MCL 24.201 et seq., as well as under the MAHS Administrative Hearing Rules, R 792.10101 et seq., and any informal hearings required by statute, rule, or regulation, may proceed by telephone or by electronic means, including video conferencing. To the extent necessary, strict compliance with the rules and procedures of the APA, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., is temporarily suspended. This does not apply to hearings by the Joint Committee on Administrative Rules.
- 6. Notice and service of process required by the APA, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., may be provided by mail or by electronic means, including email. To the extent necessary, strict compliance with rules and procedures under the APA, MCL 24.201 et seq., and the MAHS Administrative Hearing Rules, R 792.10101 et seq., is temporarily suspended.
- 7. Administrative rules or emergency rules may be filed with the secretary of state electronically, including by email. To the extent necessary, strict compliance with rules and procedures under the APA, MCL 24.201 et seq., is temporarily suspended.
- 8. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the Department of Technology, Management and Budget (DTMB) is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required by sections 11(b)(4), 32b(3), and 54f of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.11(b)(4), 421.32b(3), and 421.54f. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.
- 9. Pursuant to section 18 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.848, the DTMB is directed to authorize the acceptance, use, and reliance upon electronic signatures for a signature required under the APA, MCL 24.201 et seq., including any requirement of a signature for filing administrative rules or emergency rules with the secretary of state. Pursuant to section 7 of the Uniform Electronic Transactions Act, 2000 PA 305, as amended, MCL 450.837, a signature must not be denied legal effect or enforceability solely because it is in electronic form, and if a law requires a signature, an electronic signature satisfies the law.

10. This order is effective immediately and remains in effect through June 30, 2020 at 11:59 pm.

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

Date: June 4, 2020

Time: 8:11 am

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

Introduction of Bills

Rep. LaFave introduced

House Bill No. 5830, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 538.

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

Rep. LaFave introduced

House Bill No. 5831, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1616, 9510, 35106, 35108, 36507, 40111, 40112, 40118, 40903, 41105, 42106, 43510, 43513, 43516, 43558, 43560, 46509, 48702b, 48703, 48738, 48739, 51504, 52908, 73110, 74122, 76116, 80124, 80143, 80146, 80149, 80156, 80166, 80167, 80171, 80205, 80208, 80215, 80319, 80322, 81112, 81122, 81129, 81132, 81133, 81143, 81145, 81146, 81147, 82116, 82118, 82121, 82126b, 82133, 82134, 82135,

and 82158 (MCL 324.1616, 324.9510, 324.35106, 324.35108, 324.36507, 324.40111, 324.40112, 324.40118, 324.40903, 324.41105, 324.42106, 324.43510, 324.43513, 324.43516, 324.43558, 324.43560, 324.46509, 324.48702b, 324.48703, 324.48738, 324.48739, 324.51504, 324.52908, 324.73110, 324.74122, 324.76116, 324.80124, 324.80143, 324.80146, 324.80149, 324.80156, 324.80166, 324.80167, 324.80171, 324.80205, 324.80208, 324.80215, 324.80319, 324.80322, 324.81112, 324.81122, 324.81129, 324.81132, 324.81133, 324.81143, 324.81145, 324.81146, 324.81147, 324.82116, 324.82118, 324.82121, 324.82126b, 324.82133, 324.82134, 324.82135, and 324.82158), section 1616 as added by 2013 PA 37, section 35106 as added by 1995 PA 59, section 35108 as amended by 1996 PA 290, section 36507 as amended by 1996 PA 128, sections 40111 and 43513 as amended by 2018 PA 272, section 40112 as amended by 2015 PA 12, section 40118 as amended by 2017 PA 124, sections 40903, 41105, 42106, 43560, 46509, 48739, and 51504 as added by 1995 PA 57, sections 43510 and 43558 as amended by 2013 PA 108, section 43516 as amended by 2016 PA 461, section 48702b as added by 1996 PA 318, section 48703 as amended by 2018 PA 529, section 48738 as amended by 2014 PA 541, section 52908 as amended by 2001 PA 155, section 73110 as amended by 2013 PA 176, section 74122 as amended by 2010 PA 33, sections 76116, 80167, 80322, 81132, 81143, 81145, 81146, 82116, 82121, 82133, 82134, 82135, and 82158 as added by 1995 PA 58, section 80124 as amended by 2012 PA 294, section 80143 as added by 2012 PA 59, section 80146 as amended by 2020 PA 70, section 80149 as amended by 2007 PA 8, section 80156 as amended by 1996 PA 274, section 80166 as amended by 2012 PA 62, section 80171 as amended by 2014 PA 402, sections 80205 and 81129 as amended by 2018 PA 237, section 80208 as added by 2000 PA 229, section 80215 as amended by 2008 PA 178, section 80319 as amended by 2018 PA 678, section 81112 as amended by 2018 PA 519, section 81122 as amended by 2013 PA 119, section 81133 as amended by 2018 PA 206, section 81147 as amended by 2014 PA 147, section 82118 as amended by 2010 PA 371, and section 82126b as added by 1998 PA 461; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Reps. Whiteford, Brann and Kahle introduced

House Bill No. 5832, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 100b, 161, 409, and 439 (MCL 330.1100a, 330.1100b, 330.1161, 330.1409, and 330.1439), section 100a as amended by 2018 PA 595, section 100b as amended by 2014 PA 200, section 161 as amended by 2012 PA 500, section 409 as amended by 2018 PA 593, and section 439 as added by 1986 PA 118, and by adding chapter 9A.

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

Reps. Paquette, Tyrone Carter, Brenda Carter, Yancey, Shannon, Markkanen, Miller, Gay-Dagnogo and Hood introduced

House Bill No. 5833, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1277c.

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

Reps. Gay-Dagnogo, Tyrone Carter, Brenda Carter, Yancey, Shannon, Miller, Paquette, Hood and Markkanen introduced

House Bill No. 5834, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1277d.

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

Reps. Gay-Dagnogo, Ellison, Sneller, Yancey, Byrd, Cambensy, Peterson, Wittenberg, Paquette and Jones introduced

House Bill No. 5835, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1242.

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

Reps. Crawford, Schroeder, Koleszar, Vaupel, Webber, Wozniak, Leutheuser, Rendon, Whiteford, Lasinski and Cherry introduced

House Bill No. 5836, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1705.

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

Reps. Peterson, Sowerby, Kuppa, LaGrand, Garrett, Lasinski, Tate, Tyrone Carter, Camilleri, Pagan, Guerra, Pohutsky, Warren, Hoadley, Bolden, Rabbi, Brenda Carter, Wittenberg, Elder, Garza, Manogian, Koleszar, Sabo, Brixie, Hammoud, Anthony, Gay-Dagnogo, Ellison, Cherry and Yancey introduced

House Bill No. 5837, entitled

A bill to amend 1965 PA 203, entitled "Michigan commission on law enforcement standards act," by amending the title and sections 9, 9b, 9c, and 9d (MCL 28.609, 28.609b, 28.609c, and 28.609d), the title as amended by 1998 PA 237 and sections 9, 9b, 9c, and 9d as amended by 2018 PA 552, and by adding section 9f.

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

Reps. Tyrone Carter and Gay-Dagnogo introduced

House Bill No. 5838, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 34301, 34305, 34307, 34309, 34311, and 34313.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Reps. Tyrone Carter and Gay-Dagnogo introduced

House Bill No. 5839, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111b and 3115 (MCL 324.3111b and 324.3115), section 3111b as added by 2004 PA 142 and section 3115 as amended by 2004 PA 143.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Reps. Tyrone Carter and Gay-Dagnogo introduced

House Bill No. 5840, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 343.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

The Assistant Clerk declared the House adjourned until Tuesday, June 9, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives