

No. 79  
STATE OF MICHIGAN  
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OF THE  
**House of Representatives**  
100th Legislature  
REGULAR SESSION OF 2020

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House Chamber, Lansing, Thursday, October 1, 2020.

12:00 Noon.

The House was called to order by the Clerk.

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

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, September 30:

**House Bill Nos. 6290 6291**

The Clerk announced that the following Senate bills had been received on Thursday, October 1:

**Senate Bill Nos. 77 82 991**

**Messages from the Governor**

Date: September 30, 2020

Time: 1:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5396 (Public Act No. 166, I.E.), being**

An act to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2020 and September 30, 2021; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State on September 30, 2020, at 2:36 p.m.)

Date: September 30, 2020

Time: 1:22 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 6118 (Public Act No. 167, I.E.), being**

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the

nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending section 624g (MCL 168.624g), as amended by 1990 PA 7.

(Filed with the Secretary of State on September 30, 2020, at 2:38 p.m.)

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

**(CORRECTED)**  
**EXECUTIVE ORDER**

**No. 2020-182**

**Council on Climate Solutions**

**Department of Environment, Great Lakes, and Energy**

The science is clear, and message urgent: the earth's climate is now changing faster than at any point in the history of modern civilization, and human activities are largely responsible for this change. Climate change already degrades Michigan's environment, hurts our economy, and threatens the health and well-being of our residents, with communities of color and low-income Michiganders suffering most. Inaction over the last half-century has already wrought devastating consequences for future generations, and absent immediate action, these harmful effects will only intensify. But we can avoid some of the worst harms by quickly reducing greenhouse gas emissions and adapting nimbly to our changing environment.

At this moment, our state is reckoning with the failure of U.S. officials to adequately prepare for the challenges of a global pandemic. We cannot make the same mistake when it comes to impending climate crises of food instability, crop-killing droughts, deadly heatwaves, and intensifying weather events. Even now, fires of historic proportion are raging across the West Coast, offering a tragic reminder that climate change is a present-day threat and is not waiting for our attention.

To combat this climate crisis, Michigan must take comprehensive, coordinated, and aggressive action. That is why, with Executive Directive 2020-10, I directed the Department of Environment, Great Lakes, and Energy, through its Office of Climate and Energy, to develop, issue, and oversee the implementation of the MI Healthy Climate Plan ("Plan"), which will serve as the action plan for this state to reduce greenhouse gas emissions and transition toward economywide carbon neutrality.

The development and implementation of this Plan would benefit from the guidance of a council composed of individuals representing various sectors and communities throughout this state, who can use their diversity of experiences and expertise to ensure that Michigan pursues and achieves its carbon-neutrality goals as effectively and equitably as possible.

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

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

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

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

**1. Creating the Council on Climate Solutions**

- (a) The Council on Climate Solutions ("Council") is created as an advisory body within the Department of Environment, Great Lakes, and Energy ("Department").
- (b) The Council must consist of:
  - (1) The director of the Department, or the director's designee from within the Department.
  - (2) The director of the Department of Agriculture and Rural Development, or the director's designee from within that department.
  - (3) The director of the Department of Labor and Economic Opportunity, or the director's designee from within that department.
  - (4) The director of the Department of Natural Resources, or the director's designee from within that department.

- (5) The director of the Department of Transportation, or the director's designee from within that department.
  - (6) The director of the Department of Health and Human Services, or the director's designee from within that department.
  - (7) The chairperson of the Michigan Public Service Commission, or the chairperson's designee from within that agency.
  - (8) The Treasurer of the State of Michigan, or the Treasurer's designee from within the Department of the Treasury.
  - (9) The Chief Executive Officer of the Michigan Economic Development Corporation, or the Chief Executive Officer's designee from within that organization.
  - (10) 14 residents of this state appointed by the governor representing the range of sectors, experiences, and expertise relevant to this issue.
- (c) Of the Council members initially appointed under section 1(b)(10), 4 members must be appointed for a term of four years, 4 members must be appointed for a term of three years, 3 members must be appointed for a term of 2 years, and 3 members must be appointed for a term of one year. After these initial appointments, a member of the Council appointed under section 1(b)(10) must be appointed for a term of four years.
  - (d) Council members appointed under section 1(b)(1)-(9) are ex officio members and serve at the pleasure of the governor.
  - (e) A vacancy on the Council created other than by the expiration of the term of a member of the Council must be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the Council may be reappointed for additional terms.

## **2. Charge to the Council**

- (a) The Council must act in an advisory capacity to the governor and the Department, and must do the following:
  - (1) Advise the Department in formulating and overseeing the implementation of the MI Healthy Climate Plan, which will serve as the action plan for this state to reduce greenhouse gas emissions and transition toward economywide carbon neutrality. This work must include, but is not limited to:
    - (a) Identifying and recommending opportunities for the development and effective implementation of emissions-reduction strategies.
    - (b) Identifying solutions to resolve impact disparities across Michigan and recommending targeted solutions for communities disproportionately impacted by the changing climate.
  - (2) Provide other information or advice or take other actions as requested by the governor.
- (b) The Council must report regularly to the governor on its activities.

## **3. Operations of the Council**

- (a) The Department must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the director of the Department.
- (b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.
- (c) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (d) The governor must designate the chairperson of the Council.
- (e) The Council may select from among its members a vice chairperson.
- (f) The Council may select from among its members a secretary. Council staff must assist the secretary with recordkeeping responsibilities.
- (g) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.
- (h) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its members.
- (i) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (j) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts to

perform its duties, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education.

- (k) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.
- (l) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (m) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (n) Members of the Council must refer all legal, legislative, and media contacts to the Department.

**4. Implementation**

- (a) All departments, agencies, committees, commissioners, and officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.
- (b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (d) Section 2(e) of Executive Order 2019-10 is rescinded, and now provides: "The Task Force shall complete its work and shall issue a final report detailing its findings and policy recommendations by December 31, 2020."
- (e) Appointees to The Michigan Joint Task Force on Jail and Pretrial Incarceration appointed under section 1(c) of Executive Order 2019-10 must continue in their terms until December 31, 2020.
- (f) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.
- (g) This order is effective upon filing.

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

Date: September 23, 2020

Time: 1:45 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 September 30, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-191**

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

**Rescission of Executive Order 2020-179**

From day one, I have taken action to protect seniors from the deadly COVID-19 pandemic. Because of the inordinate risk of COVID-19 to elderly Michiganders living in congregate settings, I have issued executive orders implementing special protections for residents and employees of long-term care facilities. To ensure

our nursing homes are as safe as possible, I pushed our inspectors to complete 100% of infection control surveys more than two months before the federal deadline, and they delivered. And I have worked tirelessly to procure tests and PPE to keep seniors safe, and to facilitate testing for all nursing home residents and staff, with little to no assistance from federal authorities. To protect against a possible second wave, I created the nursing home preparedness task force, which produced its report August 31. Finally, my stay-home and safe-start orders have dramatically cut the infection rate and limited community spread, the single-greatest threat to the residents of long-term care facilities.

Because COVID-19 continues to threaten the health and safety of elderly Michiganders living in long-term care facilities, it is reasonable and necessary to continue the enhanced protections for residents and staff of long-term care facilities put in place back in April 2020. This order rescinds my prior executive order on this topic, and reflects certain recommendations of the Nursing Home Task Force. The Michigan Department of Health and Human Services remains empowered to issue orders and directives to implement this order and should continue to carefully consider the recommendations of the Nursing Home Task Force in doing so.

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

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

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

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On August 21, 2020, the Court of Appeals ruled that the Governor's declaration of a state of emergency, her extensions of the state of emergency, and her issuance of related EOs clearly fell within the scope of the Governor's authority under the EPGA.

On September 29, 2020, I issued Executive Order 2020-186, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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

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

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

**I. Protections for residents of long-term care facilities**

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

2. A long-term care facility must not prohibit admission or readmission of a resident based on COVID-19 testing requirements or results in a manner that is inconsistent with this order or relevant guidance issued by the Department of Health and Human Services (“DHHS”).
3. The following apply to a resident that voluntarily obtained housing outside of a long-term care facility such as by moving in with a family member (but not to a resident who was hospitalized) during any state of emergency or state of disaster arising out of the COVID-19 pandemic:
  - (a) The resident does not forfeit any right to return that would have been available to the resident under state or federal law had they been hospitalized or placed on therapeutic leave. Nothing in this section affects the rights of a resident who was hospitalized or placed on therapeutic leave.
  - (b) Except as provided in subsection (c), as soon as capacity allows, the long-term care facility of origin must accept the return of the resident, provided it can meet the medical needs of the resident, and there are no statutory grounds to refuse the return.
  - (c) Prior to accepting the return of such a resident, the long-term care facility must undertake screening precautions that are consistent with relevant DHHS guidance when receiving the returning resident. A facility must not accept the return of a COVID-19-positive resident if the facility does not have a dedicated unit or Care and Recovery Center meeting the requirements of this order.
4. Nothing in this order abrogates the obligation to pay or right to receive payment due under an admission contract between a resident and a long-term care facility.
5. All long-term care facilities must use best efforts to facilitate the use of telemedicine in the care provided to their residents, including, but not limited to, for regular doctors’ visits, telepsychology, counseling, social work and other behavioral health visits, and physical and occupational therapy.

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

1. It is the public policy of this state that employees of long-term care facilities or Care and Recovery Centers who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their homes or places of residence, as provided in section 2 of Executive Order 2020-172 or any order that may follow from it, and that their employers shall not discharge, discipline, or otherwise retaliate against them for doing so, as provided in section 1 of Executive Order 2020-172 or any order that may follow from it.
2. Long-term care facilities must:
  - (a) Limit communal dining and internal and external group activities consistent with Center for Medicare and Medicaid Services guidance and DHHS guidance;
  - (b) Take all necessary precautions to ensure the adequate disinfecting and cleaning of facilities, in accordance with relevant guidance from the Centers for Disease Control and Prevention (“CDC”);
  - (c) Use best efforts to provide appropriate personal protective equipment (“appropriate PPE”) and hand sanitizer to all employees that interact with residents;
  - (d) As soon as reasonably possible, but no later than 12 hours after identification, inform employees and residents of the presence of a confirmed COVID-19 positive employee or resident;
  - (e) As soon as reasonably possible, but no later than 24 hours after identification of a confirmed COVID-19 positive employee or resident:
    - (1) Inform legal guardians or health proxies for all residents within the facility of the presence of a confirmed COVID-19 positive employee or resident;
    - (2) Post a notice in a conspicuous place near the main entrance of the facility indicating the presence of a confirmed COVID-19 positive employee or resident. The notice must continue to be displayed until 14 days after the last positive COVID-19 test result for an employee or resident in the facility;
    - (3) Adopt a protocol to inform prospective residents and staff of the presence of a confirmed COVID-19 positive employee or resident. The protocol must remain in place until 14 days after the last positive COVID-19 test result for an employee or resident in the facility;
    - (4) Contact the local health department in the facility’s jurisdiction to report the presence of a confirmed COVID-19 positive employee or resident;
    - (5) Support any contact tracing efforts as requested.
  - (f) Notify employees of any changes in CDC recommendations related to COVID-19;
  - (g) Keep accurate and current data regarding the quantity of each type of appropriate PPE available onsite, and report such data to EMResource upon DHHS’s request or in a manner consistent with DHHS guidance; and

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

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

1. A long-term care facility must report the presence of a COVID-19-affected resident to their local health department within 24 hours of identification.
2. Except as otherwise provided by an advance directive, a long-term care facility must transfer a COVID-19-affected resident who is medically unstable to a hospital for evaluation.
3. Except as otherwise provided by DHHS policy or guidance, a nursing home must make all reasonable efforts to create a unit dedicated to the care and isolation of COVID-19-affected residents ("dedicated unit").
  - (a) A nursing home with a dedicated unit must provide appropriate PPE to direct-care employees who staff the dedicated unit.
  - (b) A nursing home provider that operates multiple facilities may create a dedicated unit by designating a facility for such a purpose.
  - (c) A nursing home must not create or maintain a dedicated unit unless it can implement effective and reliable infection control procedures.
4. A long-term care facility must adhere to the following protocol with respect to a COVID-19-affected resident who is medically stable:
  - (a) If the long-term care facility has a dedicated unit, the facility must transfer the COVID-19-affected resident to its dedicated unit.
  - (b) If the long-term care facility does not have a dedicated unit, it must attempt to transfer the COVID-19-affected resident to a Care and Recovery Center, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed at a hospital.
  - (c) If a transfer under subsection (b) of this section is not possible, the long-term care facility must attempt to send the resident to a hospital within the state that has available bed capacity.
5. Once a long-term care facility resident who has been hospitalized due to onset of one or more of the principal symptoms of COVID-19 becomes medically stable, the hospital must conduct testing consistent with best practices identified by the CDC prior to discharge. Discharge may be made to any of the following: a Care and Recovery Center, the facility where the resident resided prior to hospitalization, and alternate care facility with physical and operational capacity to care for the resident, or an available swing bed.
6. Discharge destinations should be determined consistent with CDC and DHHS guidelines. Decisionmakers should consider patient safety, the safety of the residents of any destination facility, the wishes of the patient and patient's family, and any guidance or recommendations from the local health department. However, a resident may only be discharged to a facility capable of safely isolating the resident, consistent with any applicable CDC and DHHS guidelines.
7. Until an acceptable discharge destination is identified, the individual must remain in the care of the hospital where they reside.
8. For any transfer or discharge of a resident, the transferring or discharging entity must ensure that the resident's advance directive accompanies the resident and must disclose the existence of any advance directive to medical control at the time medical control assistance is requested.
9. A long-term care facility that transfers or discharges a resident in accordance with this order must notify the resident and the resident's representative (if reachable) of the transfer or discharge within 24 hours.
10. The department of licensing and regulatory affairs is authorized to take action to assure proper level of care and services in connection with this order, consistent with section 21799b of the Public Health Code, MCL 333.21799b, and any other relevant provisions of law.
11. A transfer or discharge of a long-term care facility resident that is made in accordance with this order constitutes a transfer or discharge mandated by the physical safety of other facility residents and employees as documented in the clinical record, for purposes of section 21773(2)(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.21773(2)(b), and constitutes a transfer or discharge that is necessary to prevent the health and safety of individuals in the facility from being endangered, for purposes of 42 CFR 483.15(c)(1)(i)(C)-(D) and (c)(4)(ii)(A)-(B).
12. To the extent necessary to effectuate this terms of this order, strict compliance with any statute, rule, regulation, or policy pertaining to bed hold requirements or procedures, or to pre-transfer or pre-discharge requirements or procedures, is temporarily suspended. This includes, but is not limited to, strict compliance with the requirements and procedures under sections 20201(3)(e), 21776, 21777(1), and 21777(2) of the Public Health Code, MCL 333.20201(3)(e),



MCL 333.21773(2), MCL 333.21776, MCL 333.21777(1), and MCL 333.21777(2), as well as Rules 325.1922(13)-(16), 400.1407(12), 400.2403(9), and 400.15302 of the Michigan Administrative Code.

**IV. Definitions and general provisions**

1. For purposes of this order:
  - (a) "Adult foster care facility" has the same meaning as provided by section 3(4) of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.703(4).
  - (b) "Alternate care facility" means any facility activated by the state to provide relief for hospitals that surge past their capacity.
  - (c) "Appropriate PPE" means the PPE that DHHS recommends in relevant guidance.
  - (d) "Assisted living facility" means an unlicensed establishment that offers community-based residential care for at least three unrelated adults who are either over the age of 65 or need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24-hours a day.
  - (e) "Care and Recovery Center" means a nursing home that is designated by DHHS as a dedicated facility to temporarily and exclusively care for and isolate COVID-19-affected residents. A Care and Recovery Center also includes a nursing home that was previously designated as a regional hub by DHHS, until such time as the facility's regional hub designation is rescinded. A Care and Recovery Center must accept COVID-19-affected residents in accordance with relevant DHHS orders and guidance.
  - (f) "COVID-19-affected resident" means a resident of a long-term care facility who is COVID-19 positive, who is a person under investigation, or who displays one or more of the principal symptoms of COVID-19.
  - (g) "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).
  - (h) "Long-term care facility" means a nursing home, home for the aged, adult foster care facility, or assisted living facility.
  - (i) "Medically unstable" means a change in mental status or a significant change or abnormality in blood pressure, heart rate, oxygenation status, or laboratory results that warrants emergent medical evaluation.
  - (j) "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).
  - (k) "Person under investigation" means a person who is currently under investigation for having the virus that causes COVID-19.
  - (l) "Principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.
  - (m) "Swing bed" has the meaning provided by 42 CFR 413.114(b).
2. DHHS may issue orders and directives, and take any other actions pursuant to law, to implement this executive order.
3. This order is effective immediately.
4. Executive Order 2020-179 is rescinded.
5. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

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

Date: September 30, 2020

Time: 5:50 pm

[SEAL]

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

The message was referred to the clerk.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

**House Bill No. 4288, entitled**

A bill to prescribe the powers and duties of certain state governmental officers and entities; to create a statewide broadband service grant program; and to establish a process for the application and awarding of grant money.



The Senate has passed the bill and ordered that it be given immediate effect.  
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 5334, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2084) by adding section 16d.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 5881, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as amended by 2018 PA 661.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 4476, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11c (MCL 247.661c), as amended by 2015 PA 182.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

**Senate Bill No. 77, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20199, 21702, and 21703 (MCL 333.20199, 333.21702, and 333.21703), section 21702 as amended by 1994 PA 73 and section 21703 as amended by 2015 PA 155, and by adding sections 21788, 21788a, 21788b, 21788c, 21788d, 21788e, 21788f, 21788g, 21788h, and 21788i.

The Senate has passed the bill.

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

**Senate Bill No. 82, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 533 (MCL 436.1533), as amended by 2018 PA 386.

The Senate has passed the bill.

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

**Senate Bill No. 991, entitled**

A bill to amend 2019 PA 152, entitled "Lawful internet gaming act," by amending sections 3, 5, 7, and 11 (MCL 432.303, 432.305, 432.307, and 432.311).

The Senate has passed the bill.

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

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The Clerk declared the House adjourned until Tuesday, October 6, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives