

No. 38
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Wednesday, May 6, 2020.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—present
Ananich—excused
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—excused
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—excused

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—present
McBroom—present
McCann—excused
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Ed McBroom of the 38th District offered the following invocation:

Dear Father, we come before You this morning in humble recognition that we are not in control; that You, Father, are truly in control, that You know all things, and are not surprised by the troubles we are now experiencing. Father, we ask for Your mercy. We ask that You would give calmness to our nation, to the people, and to each of us here. We are truly no closer to death today than we are any other day of our lives. They are each day in Your hand.

Father, help us in the task that we've been given by the people of this great state. Help us to work for government that works for the people and that meets the pattern that You have established for government—government that punishes evil, condones good, and supports the fatherless, the widow, the outcast, and the poor.

Father, help us to be mindful of those who are in need. Help us to be fair with those who need justice. Father, we beg that You would be merciful to the people of this nation and this state in our time of need, that You would turn people's hearts toward You, and that You would touch the people's hearts with calm and recognition of their need for You individually and nationally. Forgive us of our sins; forgive us of our pride; forgive us for not turning to You and recognizing the great goodness that You have given to each of us and to this nation for so long.

Father, we pray for our Governor; we pray for our President. The burden on each of them is enormous right now, and the decisions they have to make are so consequential. We pray that You would give both of them wisdom, that You would put on their hearts to speak to the right people, and to receive good counsel. We pray that You would do the same for each of us here, that we would weigh the issues carefully and do what's right for the people of this state while we trust that You bring about mercy on us through medicine, through doctors, through technology, and through Your direct will to save us from this plague.

We pray all these things in Jesus' name. Amen.

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Chang moved that Senators Ananich, Bullock, Hollier and McCann be excused from today's session.

The motion prevailed.

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

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

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 899, 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.

Senate Bill No. 887, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding sections 301a and 681a.

Senate Bill No. 888, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a

city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act.” by amending sections 24 and 30 (MCL 205.24 and 205.30), section 24 as amended by 2003 PA 201 and section 30 as amended by 2016 PA 267.

Senate Bill No. 889, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding sections 40 and 80 to chapter 2.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 899

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

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bill:

Senate Bill No. 862, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 11d (MCL 400.11d), as added by 1982 PA 519.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator MacGregor moved that the bill be referred to the Committee on Insurance and Banking.

The motion prevailed.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bill:

Senate Bill No. 886, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 17, 27, 28, 28c, 29, and 48 (MCL 421.17, 421.27, 421.28, 421.28c, 421.29, and 421.48), sections 17 and 48 as amended by 2011 PA 269, section 27 as amended by 2016 PA 522, section 28 as amended by 2020 PA 83, section 28c as amended by 2012 PA 579, and section 29 as amended by 2013 PA 146.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator MacGregor moved that the bill be referred to the Committee on Economic and Small Business Development.

The motion prevailed.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 879, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3406o (MCL 500.3406o), as amended by 2016 PA 276, and by adding section 3406v.

Senate Bill No. 880, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16101 (MCL 333.16101) and by adding sections 16113 and 17715.

Senate Bill No. 881, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20910, 20921, 20954, 20958, and 20961 (MCL 333.20910, 333.20921, 333.20954, 333.20958, and 333.20961), section 20910 as amended by 2006 PA 582, section 20921 as amended by 2014 PA 413, section 20954 as amended by 2000 PA 375, section 20958 as amended by 2010 PA 304, and section 20961 as added by 1990 PA 179, and by adding section 20960.

Senate Bill No. 882, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20173a, 21564, 21911, 21913, and 22235 (MCL 333.20173a, 333.21564, 333.21911, 333.21913, and 333.22235), section 20173a as amended by 2017 PA 167, section 21564 as added by 1990 PA 252, sections 21911 and 21913 as added by 2017 PA 172, and section 22235 as amended by 2002 PA 619, and by adding sections 20173c, 21564a, 21914, and 22235a.

Senate Bill No. 883, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as amended by 2014 PA 72, and by adding section 134b.

Senate Bill No. 884, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as amended by 2018 PA 558, and by adding section 34d.

Senate Bill No. 885, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5m and 7a (MCL 722.115m and 722.117a), as added by 2017 PA 258.

House Bill No. 5704, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20191 (MCL 333.20191), as amended by 2010 PA 119.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the bills be referred to the Committee on Health Policy and Human Services.

The motion prevailed.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 869, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8312 and 8317 (MCL 324.8312 and 324.8317), as amended by 2015 PA 118.

Senate Bill No. 870, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 3 and 9k (MCL 290.643 and 290.649k), section 3 as amended by 2008 PA 313 and section 9k as added by 2006 PA 104.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the bills be referred to the Committee on Agriculture.

The motion prevailed.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 873, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2019 PA 58, and by adding section 296a.

Senate Bill No. 875, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1279g (MCL 380.1279g), as amended by 2016 PA 170, and by adding sections 1851b and 1851c.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the bills be referred to the Committee on Education and Career Readiness. The motion prevailed.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 890, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 231 (MCL 436.1231) and by adding section 231a.

Senate Bill No. 868, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2018 PA 211, and by adding section 3j; and to repeal acts and parts of acts.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the bills be referred to the Committee on Regulatory Reform. The motion prevailed.

Senator MacGregor moved that the Committee on Government Operations be discharged from further consideration of the following bills:

Senate Bill No. 876, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 314 (MCL 257.314), as amended by 2011 PA 159, and by adding section 314c.

Senate Bill No. 877, 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,” by amending section 2 (MCL 28.292), as amended by 2018 PA 669, and by adding section 2a.

Senate Bill No. 878, entitled

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 5 (MCL 28.305), as amended by 2018 PA 606, and by adding section 5a.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the bills be referred to the Committee on Transportation and Infrastructure. The motion prevailed.

The following communication was received:
Office of Senator Betty Jean Alexander

May 6, 2020

Please include my name as a sponsor for SB 0905, Senator Sylvia Santana’s bill.

Categories

Property; state buildings;

Property; state buildings; display or use of the Confederate battle flag on the grounds of the capitol building; prohibit.

Please feel free to contact me at (517) 373-0994 with any questions or concerns.

Respectfully,
Betty Jean Alexander
Michigan State Senator
5th Senate District

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received on May 6, 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 p.m.

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 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on May 6, 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 p.m.

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

Date: May 5, 2020

Time: 9:37 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator MacGregor moved that the Senate proceed to consideration of the following resolutions:

Senate Resolution No. 113

Senate Resolution No. 115

Senate Concurrent Resolution No. 25

The motion prevailed.

Senators Bayer, Moss, Brinks, Polehanki and Irwin offered the following resolution:

Senate Resolution No. 113.

A resolution to memorialize the Congress of the United States to fully fund affordable and consistent internet access for all communities and households across the state of Michigan and the entire country.

Whereas, The spread of coronavirus disease 2019 (COVID-19) has resulted in a global pandemic spreading across 213 countries, areas, and territories, including the United States; and

Whereas, To combat the rapid dispersion of the virus, drastic measures have been taken in Michigan, including issuing an order for residents to stay at home. For many of us, this means taking our daily activities — school, work, and medical care — online; and

Whereas, Affordable and consistent internet access is fundamental to full participation in education, work, and health care in everyday life, but it is even more urgently needed during this pandemic crisis. Without affordable and consistent internet access, individuals and families across the state are at an educational and economic disadvantage compared to those with access; and

Whereas, The forced closure of all Michigan school buildings due to COVID-19 and the transition to online learning makes it crystal clear that access to the internet is an absolute requirement to continued education in Michigan. Yet, over 500,000 Michigan students do not currently have any internet service; and

Whereas, Under the stay-at-home order, accessing health care in person is discouraged and possibly even detrimental to an individual's health. Yet, lack of internet access makes it impossible for many Michigan residents to participate in telemedicine opportunities with their doctors. This lack of internet access is increasing healthcare disparities in the state; and

Whereas, The internet is an important and ever-increasing source of information and has become more essential in providing a means for Americans to connect with work, school, and health care. Ensuring that all Americans have access to broadband services at speeds they need to fully participate in our society is imperative; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to fully fund affordable and consistent internet access for all communities and households across the state of Michigan and the entire country; and be it further

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

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations. Senators Geiss and McMorrow were named co-sponsors of the resolution.

Senator Santana offered the following resolution:

Senate Resolution No. 115.

A resolution to encourage Congress to address the unique needs of domestic violence victims and survivors in the next phase of federal stimulus funding in response to COVID-19.

Whereas, The spread of the novel coronavirus (COVID-19) has resulted in a global pandemic spreading across 146 countries and other locations. In order to combat the rapid spread of the virus, drastic measures have been taken, including the closure of all non-essential businesses and ordering residents to stay at home; and

Whereas, While these measures are necessary to protect the health and safety of vulnerable populations, the heightened confinement has led to potentially dangerous situations for survivors of domestic violence. According to various experts, financial stressors and uncertainty due to the pandemic exacerbate underlying tensions. As a result, perpetrators are exploiting the situation by using the increased vulnerability created by required physical distancing and resultant social isolation as a new or heightened tactic of abuse; and

Whereas, There has been a documented increase in contacts made to domestic violence programs across the country. In Michigan, contacts to the Michigan Coalition to End Domestic and Sexual Violence have grown in March and the first half of April in 2020, compared to the same period in 2019. The state Domestic and Sexual Violence Prevention and Treatment Board has also seen a surge in help requests; and

Whereas, Survivors of domestic violence need additional resources and support to cope with the far-reaching consequences of this pandemic. In a letter to Congress, the National Coalition Against Domestic Violence (NCADV) urged Congress to ensure that their next stimulus bill “comprehensively meets the needs of victims and survivors that are both created and compounded by the COVID-19 crisis”; now, therefore, be it

Resolved by the Senate, That we encourage Congress to address the unique needs of domestic violence victims and survivors in the next phase of federal stimulus funding in response to COVID-19 and honor the requests for appropriations by Michigan and national domestic violence programs for the United States Departments of Justice, Health and Human Services, and Housing and Urban Development; and be it further

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

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations. Senators McMorrow and Polehanki were named co-sponsors of the resolution.

Senators Barrett, Bumstead, Lucido and MacDonald offered the following concurrent resolution:

Senate Concurrent Resolution No. 25.

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 Senate (the House of Representatives 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.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations. Senator Theis was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Irwin introduced

Senate Bill No. 909, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 3, 31, 301, 305, 355, 385, 480, 491, 499e, 500d, 576, 579, 580, 653a, 654, 659, 660, 662, 668, 669, 672, 678, 679, 715, 720, 721, 723, 727, 731, 733, 736b, 736c, 736d, 736e, 737a, 741, 751, 754, 755a, 757, 759a, 759b, 761b, 764a, 764b, 765, 765a, 794, 795, 796, 797b, 811, 829, 931, and 932 (MCL 168.3, 168.31, 168.301, 168.305, 168.355, 168.385, 168.480, 168.491, 168.499e, 168.500d, 168.576, 168.579, 168.580, 168.653a, 168.654, 168.659, 168.660, 168.662, 168.668, 168.669, 168.672, 168.678, 168.679, 168.715, 168.720, 168.721, 168.723, 168.727, 168.731, 168.733, 168.736b, 168.736c, 168.736d, 168.736e, 168.737a, 168.741, 168.751, 168.754, 168.755a, 168.757, 168.759a, 168.759b, 168.761b, 168.764a, 168.764b, 168.765, 168.765a, 168.794, 168.795, 168.796, 168.797b, 168.811, 168.829, 168.931, and 168.932), sections 3, 491, 500d, 765, 811, and 829 as amended and sections 499e and 761b as added by 2018 PA 603, section 31 as amended by 2012 PA 271, sections 301 and 653a as amended by 2005 PA 71, section 305 as amended by 2010 PA 334, section 355 as amended by 2013 PA 51, section 385 as added by 2012 PA 586, section 480 as amended by 2012 PA 276, sections 576 and 579 as amended by 1996 PA 213, section 580 as amended by 1985 PA 160, section 659 as amended by 2014 PA 94, sections 662 and 727 as amended by 2004 PA 92, section 668 as amended by 2004 PA 96, sections 669, 679, 741, and 764b as amended by 2018 PA 120, sections 731 and

932 as amended by 1995 PA 261, sections 733 and 931 as amended by 1996 PA 583, sections 736b, 736c, 736d, and 736e as amended by 2018 PA 190, section 737a as amended by 2018 PA 611, section 755a as added by 2014 PA 79, section 759a as amended by 2012 PA 523, section 764a as amended by 2012 PA 128, section 765a as added by 2018 PA 123, section 794 as amended by 1992 PA 8, section 795 as amended by 2018 PA 127, and sections 796 and 797b as amended by 1990 PA 109, and by adding section 641a; and to repeal acts and parts of acts.

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

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:14 a.m.

10:51 a.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

Senator MacGregor moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5496

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

By unanimous consent the Senate returned to the order of

General Orders

Senator MacGregor moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Moss as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5496, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503 and 11504 (MCL 324.11503 and 324.11504), as amended by 2018 PA 640.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 899, 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.

Substitute (S-2)

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Santana and Geiss asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Santana's statement is as follows:

Last week was an incredibly scary, tough, and confusing week for me. It was one of those weeks that forced me to ask myself the question, "Why am I here? What purpose do I serve?" And as I began to think about my journey here to the Senate, I was reminded by the fact that I represent a district that, in many ways, is no different than this chamber. My district is an incredible collection of demographics. I represent some of the poorest zip codes in the state of Michigan as well as some of the wealthiest. I represent black people, white people, Arabs, Hispanics, Muslims, and Christians. I am here because the people back home supported my vision of progress, unity, and understanding, and they felt that I would be a more accurate representation of what the 3rd Senate District looks like.

But in recent weeks a string of unfortunate events that took place has brought to the surface an ugliness that is simply not representative of Michigan values. As you all know, the recent controversy related to the Confederate flag sparked emotions that speak to a long history of the Civil Rights Movement by African Americans. And why? Because it seems to me that every time African Americans stand up to defend ourselves, the Confederate flag is there as a blatant reminder that we have a long way ago.

In the 1960s, every time a peaceful protest demanded civil rights, the Confederate flag was there. Every time a march was organized and we were mistreated by police, the Confederate flag was there. Every time there was a lynching, the Confederate flag was there. Every time a black church was bombed and people inside were murdered, the Confederate flag was there. Every time our heroes were slain, the Confederate flag was there. When Michael Brown, Eric Gardner, Antonio Martin, Freddie Gray, and Damon Grimes were killed by police, the Confederate flag was there. In Charlottesville, when Heather Heyer was killed by a white supremacist who drove his car into a crowd, the Confederate flag was there.

Last week when angry protesters, armed with semi-automatic rifles, came here to demonstrate, I feared for my life. Why? Because along with swastikas and nooses, the Confederate flag was here—and it was here to intimidate, inject fear, and create chaos. I am deeply troubled by the attitudes and the lack of response by my colleagues about this situation in this chamber and the next one.

I don't know what some believe or how you really feel about the current situation, but, at a minimum, I would hope that my colleagues would call the event organizers and ask them to politely knock it off or stop it. There is no place for symbols of hate in the Capitol grounds during protests, especially in an angry mob of people yelling and disrespecting our law enforcement. This is truly a troubling era in our history and it pains me, and it often strengthens me because I am an American. I am a black woman and I'm in a position to speak truth to power. And the truth is while I condemn the Confederate flag, I proudly wave the American flag. A flag that my ancestors died to protect. A flag that represents freedom and liberty to all who desire a better way of life. A flag that stood tall coast-to-coast when the tragedy of 9/11 took place. A flag that stood tall when Americans placed it on the Moon. A flag that drapes over the coffins of all our fallen soldiers.

But loving that flag and standing up to the responsibilities of what that flag embodies are two different things. Sadly, I believe that in this chamber we are failing in our duties. We are quickly becoming a body that is incapable of having debates because we are allowing the politics of division to tear us apart. This division is pushing us into corners according to political labels and making it 100 percent difficult to find a middle-ground, civility, and sound judgement.

We are in the middle of a global pandemic that has affected everyone at every level: black, white, young, old, rich, poor, suburban, urban, rural, men, and women. This virus is an equal opportunity killer. It does not discriminate. I would think that in a time like this, with so much at stake, we would be banding together to bring resolve to this issue, but I'm not seeing that here. What I'm seeing is that the more we fight, the more we going to continue to see mobs of angry people rallying at the Capitol, waving their Confederate flags and displaying symbols of hate and sitting in the Gallery with high-powered rifles.

What kind of Michigan are we promoting? Are we promoting a Michigan that is proud and attractive to a business environment? No. Are we promoting a Michigan that is inclusive of all people and that does not discriminate and respects our fellow human beings? No. Are we building a Michigan where the next great invention is being created in someone's garage? No. Are we building the kind of Michigan where students can receive the best education possible, regardless of their social economic backgrounds? Again, the answer is no.

Ladies and gentleman, last week I was scared for my life and this week I'm still on edge. Any time a member of this chamber has to come into work with a bullet-proof vest on and quietly sit in her chair while praying to God that no one with a failed mental state decides to open fire with their semi-automatic rifle from the Gallery because they have been motivated by a hate speech, is a day that should not happen and should never happen again.

Let me make myself clear if I already haven't. I oppose the Confederate flag and everything that it has come to represent. In closing, don't you find it interesting that Dr. Martin Luther King never needed a

shotgun? Don't you find it interesting that Medgar Evers never needed a knife? And don't you find it interesting that Rosa Parks only had to sit on a bus and refuse to give up her seat to start what we recognize today as a modern Civil Rights Movement? She never had to wave her symbol of hate, yell to the police, or dress like she was going to war. There's a lot we can learn from history.

Senator Geiss' statement is as follows:

A week ago—in fact, one week ago today exactly—I stood at this same podium to ask this body to formally censure the gentleman from the 17th Senate District for having the temerity to don a face mask during our April 24 session here—a face mask that bore the unmistakable pattern of white stars on a field of blue, bordered by two white lines and on a field of red, a pattern that is unmistakably that of the Confederate battle flag in this chamber while doing the work of the people of the state of Michigan. I also asked that our chamber rules be updated to prohibit it—or any other symbols of hatred, bigotry, xenophobia, or white supremacy—from being worn or otherwise displayed in this body. And a letter was submitted to the gentleman from the 16th Senate District who leads this body.

Now while a lot has occurred over the past week, still nothing has been done to address the issue. We can walk and chew gum, so to speak. However, not a peep has been spoken; nary a line of text written; not so much as remorse, sadness, or even empathy expressed about the injury done or the stain cast upon this chamber by the actions of the member from the 17th Senate District. Ignoring a problem will not make it go away. Remaining silent on it suggests approval and condoning of the actions for which I have asked for a formal and public repudiation of and rebuking of the individual who committed them.

And as such, because of the failure to act, today I have submitted a formal resolution calling for the censure of the gentleman from the 17th Senate District for adorning his face with the emblem of hatred and racism that the Confederate battle flag represents. As a reminder, the Confederate flag is a symbol of immense hatred which seeks to celebrate the most disgraceful aspects of our nation's history. Proudly wearing one is a direct affront to the one-in-seven Michiganders who are of African descent. A symbol of white supremacy has no place in a legislative body that is constitutionally obligated to make laws that provide for the equal protection of people of all races, and donning a Confederate battle flag dishonors the memory of the brave Michiganders who fought and died to end slavery and who have continued to make sacrifices for civil rights in the century-and-a-half since.

Michiganders have given their lives and risked everything to defeat the system and the ideas that the Confederate flag represents. Wearing it on the floor of the Senate demonstrates a lack of proper respect for their memory and a lack of respect for the humanity and existence of black people in our state.

Specifically, wearing it violates rule 1.301 of the Standing Rules of the Senate. This rule provides, "Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office." Further, rule 1.311 of the Standing Rules of the Senate provides, in part, "A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled." And whereas, the gentleman from the 17th Senate District failed to meet the high standards of conduct expected by our offices by the people of Michigan.

The decision to wear a face mask adorned with a Confederate flag represents—whether intended or not—contempt for members and staff of this legislative body and the people we represent. Symbols of hatred that dishonor our history and that are designed to terrorize black people have no place in the Senate, and this legislative body must send a clear message that hatred and white supremacy are unwelcome in this chamber and in our state. To continue to ignore this fails the people of Michigan and signifies that this body is not interested in ensuring that all of her citizens and residents are heard and treated with respect and dignity.

I look forward to the co-sponsorship of colleagues who are not content to sit idly by and allow symbols of racism, bigotry, and division to be present in this space; for this resolution to be taken up; and for this matter to be formally and publicly resolved forthwith.

I end my remarks today with two resounding questions for us all. What is the character of the Senate? What is the character of an individual or a body that feigns our proud Union history and besmirches it by applauding and adorning the emblem of hate and system of oppression against which it fought? I urge this body to restore the character of this space and take up this resolution.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Thursday, April 30, and are available on the Michigan Legislature website:

**House Bill Nos. 5743 5744 5745 5746 5747 5748 5749 5750 5751 5752 5753 5754 5755
5756 5757 5758 5759 5760 5761**

The Secretary announced that the following bills were printed and filed on Tuesday, May 5, and are available on the Michigan Legislature website:

Senate Bill Nos. 907 908

House Bill Nos. 5762 5763 5764 5765

Committee Reports

The Committee on Environmental Quality reported

House Bill No. 5496, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11503 and 11504 (MCL 324.11503 and 324.11504), as amended by 2018 PA 640.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Outman
Chairperson

To Report Out:

Yeas: Senators Outman, Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:

Meeting held on Wednesday, May 6, 2020, at 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

Scheduled Meetings

Capitol Commission - Monday, May 11, 11:00 a.m., Room H-65, Capitol Building (517) 373-0184. Public attendance by Zoom only—Computer: <https://us02web.zoom.us/j/84590109458>, meeting ID 84590109458#; Phone: (312) 626-6799, meeting ID 84590109458#

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 11:20 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, May 7, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

