Dr. Lisa R. Jackson of 4688 Pearl Street, Ypsilanti, Michigan 48197, county of Washtenaw, appointed to represent residents of the state, for a term commencing August 14, 2020 and expiring December 31, 2021.

Chief Eric P. Payne of 4302 Knapp Valley Drive, N.E., Grand Rapids, Michigan 49525, county of Kent, succeeding Donald Mawer who has resigned, appointed to represent an individual nominated by the Michigan Association of Chiefs of Police, for a term commencing August 14, 2020 and expiring December 31, 2021.

August 14, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 186 of 1973, MCL 205.721 and 205.722:

**Michigan Tax Tribunal**

Ms. Victoria L. Enyart of 836 Woodbine Street, Jackson, Michigan 49203, county of Jackson, reappointed to represent certified level IV assessors, for a term commencing August 17, 2020 and expiring June 30, 2024.

Ms. Patricia L. Halm of 1210 Red Oak Lane, Apt. 102, East Lansing, Michigan 48823, county of Ingham, succeeding Michelle Lange who has resigned, appointed to represent members at large, for a term commencing August 24, 2020 and expiring June 30, 2022.

Respectfully,

Gretchen Whitmer
Governor

The appointments were referred to the Committee on Advice and Consent.

The following message from the Governor was received and read:

**HEALTH FACILITIES; NURSING HOMES; ADMITTANCE OF COVID-19 POSITIVE PATIENTS TO NURSING HOMES FROM ANOTHER FACILITY; PROHIBIT**

July 31, 2020

Today I am returning Enrolled Senate Bill 956 to you without my approval.

My response to this once-in-a-lifetime pandemic has protected our most vulnerable, including our seniors, by allowing us to bend the curve on this virus. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly one third of the national average.

From day one, I have protected nursing home residents, following federal CMS guidance to establish a system of regional hubs and dedicated isolation units. 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 is set to produce its report August 31. Finally, my stay-home and safe-start orders – despite opposition from some in the legislature – have dramatically cut the infection rate and limited community spread, the single-greatest threat to the residents of long-term care facilities.

SB 956 is based on the false premise that isolation units created within existing facilities are somehow insufficient to protect seniors—a claim unsupported by the data and refuted by the nation’s highest authorities on infectious disease. Instead of protecting seniors, this bill would require the state to create COVID-19-only facilities, forcing hospitals and many nursing homes to send COVID-19-positive patients to such facilities without any requirement for consent, doctor approval, or notification to the patient or their family. The legislation fails to explain how such facilities would be staffed or paid for, or how frail residents would be protected during the potentially traumatic transfer from one facility to another.

The inadequacy of this legislation has been recognized by the organization created to fulfill the mandate of the Older Americans Act to advocate on behalf of older adults, the Michigan Senior Advocates Council (MSAC). MSAC wrote to me, asking me to veto this legislation for the sake of the safety of Michigan’s nursing residents, because the bill “lacks clarity, provides an unrealistic timeline, and fails to offer critical details to ensuring quality of care.”

I look forward to continuing to work with stakeholders and legislators on the task force to develop real solutions that make sense for Michigan seniors and their families. Because this legislation fails to protect them, I am vetoing it.

Respectfully,

Gretchen Whitmer
Governor
The bill was returned from the Governor on July 31, 2020, at 3:52 p.m.
The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,
Senator MacGregor moved that consideration of the bill be postponed temporarily.
The motion prevailed.

The following message from the Governor was received and read:

HEALTH OCCUPATIONS: HEALTH PROFESSIONALS; IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY DURING A DECLARED EMERGENCY; PROVIDE FOR CERTAIN HEALTH CARE WORKERS

August 10, 2020

Today I am returning Enrolled Senate Bill 899 to you without my approval. During an especially intense period of this pandemic, as the number of new cases were surging toward our first peak and we faced the very real possibility of our hospitals being overrun, I invoked special liability protections for certain health care providers. The legislature created these protections under subsection (4) of section 11 of the Emergency Management Act of 1976, 1976 PA 390, MCL 30.411(4). According to this provision, these protections apply if the governor has declared a state of disaster and the health care provider offers services at the “express or implied request” of the governor. I made this request on March 29, 2020 through Executive Order 2020-30; renewed it on April 26, 2020 through Executive Order 2020-61; and rescinded the request on July 13, 2020 through Executive Order 2020-150.

To the extent the availability of these liability protections have been rendered questionable during the time period those orders were in effect, it is only because the majority in both houses of the legislature have refused to recognize this once-in-a-lifetime global pandemic for what it is: an emergency. SB 899 is an attempt to mop up one consequence of that failure.

If this bill only attempted to restore the protections I offered under my orders, I would consider signing it. But the bill goes much further in ways that are directly counter to the interests of those receiving care. For example, this bill would give health care providers and the facilities that employ them broad immunity every time an emergency or disaster is declared, regardless of whether the circumstances demand this extreme measure. A person receiving treatment at a hospital or a resident in a nursing home would be powerless to seek relief when they are harmed in any but the most egregious cases.

For this and other reasons I veto this bill.

Respectfully,

Gretchen Whitmer
Governor

This bill was returned from the Governor on August 10, 2020, at 3:38 p.m.
The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,
Senator MacGregor moved that consideration of the bill be postponed temporarily.
The motion prevailed.

By unanimous consent the Senate proceeded 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 Daley as Chairperson.

Recess

Senator MacGregor moved that the Committee of the Whole recess subject to the call of the Chairperson.
The motion prevailed, the time being 10:58 a.m.

11:45 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Daley.