

HOUSE RESOLUTION NO.245

Rep. Greig offered the following resolution:

1 A resolution prescribing Temporary Rules for Emergency
2 Operation of the House of Representatives.

3 Whereas, The purpose of these Temporary Rules for Emergency
4 Operation of the House of Representatives is to maintain continuity
5 of the legislative operations of the House, which in turn protects
6 the health, safety, and welfare of the people of Michigan; and

7 Whereas, On March 10, 2020, Governor Whitmer issued Executive
8 Order 2020-04 declaring a state of emergency across the state of
9 Michigan to address the COVID-19 pandemic. This new disease, caused
10 by a novel coronavirus not previously identified in humans, can
11 easily spread from person to person and can result in serious
12 illness or death. There is currently no approved vaccine or
13 antiviral treatment; and



Whereas, On April 1, 2020, Governor Whitmer issued Executive Order 2020-33 declaring both a state of emergency and state of disaster across the state of Michigan to address the continued spread of COVID-19 and the widespread and severe health, economic, and social harms associated with the pandemic; and

Whereas, The House recognizes that the best way to slow the spread of COVID-19 and "flatten the curve" is to maintain appropriate social distancing as recommended by the Centers for Disease Control and Prevention; and

Whereas, The House finds that continuing to conduct its committee meetings and House session through in-person assemblages endangers the health, safety, and welfare of Members, staff, and the general public and imperils the House's ability to continue legislative operations during this pandemic; and

Whereas, Article IV, Section 16 of the *Constitution of the State of Michigan of 1963* provides that: "Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings..."; now, therefore, be it

Resolved by the House of Representatives, That the following rules be adopted as the Temporary Rules for Emergency Operation of the House of Representatives:

TEMPORARY RULES FOR EMERGENCY OPERATION OF THE HOUSE OF REPRESENTATIVES

Remote Participation in Committee Meetings

Rule 1. (1) During a state of emergency or state of disaster declared by the Governor across the state of Michigan under Section



1 3 of the Emergency Management Act, 1976 PA 390, the Speaker, with
2 the agreement of the Minority Leader, may authorize a standing
3 committee or special committee to conduct a committee meeting in
4 which Members of the committee and the public participate remotely
5 by electronic means. It is the intent of the House that the Speaker
6 and Minority Leader shall only invoke the authority granted to them
7 by these Temporary Rules when the nature of the emergency or
8 disaster renders in-person meetings of House committees a risk to
9 the health and safety of Members, staff, or the public.

10 (2) "Remote participation" means simultaneous, interactive
11 participation in a committee meeting by electronic means by some
12 Members of a committee who are not physically present at the
13 location of the meeting.

14 (3) The committee Chair shall preside over any committee
15 meeting being conducted as authorized by the provisions of these
16 Temporary Rules from the seat of government in Lansing. All other
17 Members of the committee and members of the public shall
18 participate remotely by electronic means.

19 (4) Staff essential to the conduct of the committee meeting
20 may be physically present with the committee Chair but shall
21 maintain social distancing and undertake other mitigation measures,
22 as recommended by the Centers for Disease Control and Prevention
23 and the Michigan Department of Health and Human Services, to the
24 greatest extent feasible.

25 (5) Members of committees participating remotely shall be
26 counted for the purpose of determining the presence of a quorum,
27 which shall be established by a roll call.

28 (6) The electronic means employed for remote committee
29 meetings must safeguard the integrity of the legislative process



1 and maintain the deliberative character of the meeting by providing
2 for simultaneous aural and verbal communication among all
3 participants.

4 (7) In the event the electronic means of facilitating remote
5 participation in a committee meeting by Members or the public is
6 interrupted, the Chair shall halt the meeting until the electronic
7 means of remote participation is restored to working order. This
8 provision shall not apply to an individual Member of the committee
9 or the public temporarily experiencing loss of connection to the
10 electronic means of remote participation.

11 (8) All persons must be permitted to participate in any
12 meeting of a public body held electronically, except as otherwise
13 provided in the Open Meetings Act, 1976 PA 267, or the Standing
14 Rules of the House of Representatives.

15 (9) The right of a person to participate in a committee
16 meeting held by electronic means may not be limited by a
17 requirement that she or he register or otherwise provide his or her
18 name or other identifying information, other than mechanisms
19 necessary to permit the person to provide testimony to the
20 committee during the meeting. A committee may also use electronic
21 means to facilitate typed testimony that may be read to or shared
22 with Members of the committee and the public.

23 (10) Members participating remotely by electronic means may
24 cast votes on all bills, resolutions, and motions brought to a vote
25 by the committee as if the Members were physically present at the
26 committee meeting. All votes taken during a committee meeting held
27 by electronic means shall be by roll call vote to avoid any
28 question as to how each committee Member votes.

29 (11) The committee Chair shall verify the identity of the



1 voting Member.

2 (12) A Member participating remotely by electronic means in
3 any committee meeting shall provide the Committee Clerk with a
4 written certification confirming that it was, in fact, that Member
5 present and voting by electronic means at any such meeting within
6 48 hours of the adjournment of the meeting. All such certifications
7 shall be appended to the minutes of the committee meeting. The
8 Clerk of the House may prescribe the format of the certification.

9 (13) The House Business Office shall recommend or provide
10 suitable electronic means that enables Members to participate
11 remotely in committee meetings, in consultation with the Clerk of
12 the House, and under the direction of the Speaker.

13 (14) All committee meetings conducted as authorized by the
14 provisions of these Temporary Rules shall be webcast live on the
15 House website. Audio and/or video recordings of all such committee
16 meetings shall be made available to the public on the House
17 website. To the greatest extent practicable, as determined by the
18 Clerk of the House, such committee meetings will be broadcast on
19 House television.

20

21 **Remote Participation in House Session**

22 Rule 2. (1) During a state of emergency or state of disaster
23 declared by the Governor across the state of Michigan under Section
24 3 of the Emergency Management Act, 1976 PA 390, the Speaker, with
25 the agreement of the Minority Leader, may extend the bar of the
26 House to allow for one or more Members to be in attendance and
27 participate remotely by electronic means. It is the intent of the
28 House that the Speaker and Minority Leader shall only invoke the
29 authority granted to them by these Temporary Rules when the nature



1 of the emergency or disaster renders in-person House session a risk
2 to the health and safety of Members, staff, or the public.

3 (2) "Remote participation" means simultaneous, interactive
4 participation in House session by electronic means by some Members
5 not physically present in the House Chambers.

6 (3) The Speaker, or the designee of the Speaker, shall
7 preside over any session of the House being conducted as authorized
8 by the provisions of these Temporary Rules from within the House
9 Chambers at the seat of government in Lansing. The Speaker Pro
10 Tempore, Majority Floor Leader, Minority Leader, and Minority Floor
11 Leader shall also be physically present, unless excused. All other
12 Members are strongly encouraged to participate remotely in session
13 by electronic means. Members physically present shall maintain
14 social distancing and undertake other mitigation measures to the
15 greatest extent feasible.

16 (4) During any House session conducted as authorized by the
17 provisions of these Temporary Rules, the doors of the House shall
18 be open, unless the public security otherwise requires. Any members
19 of the public physically present in the gallery shall be required
20 to maintain appropriate social distancing. Members of the public
21 are strongly encouraged to observe House session remotely, as an
22 alternative to physical presence.

23 (5) Staff essential to the conduct of session, including the
24 Clerk of the House, may be physically present in the House
25 Chambers, but shall maintain social distancing and undertake other
26 mitigation measures to the greatest extent feasible.

27 (6) Members participating remotely shall be counted for the
28 purpose of determining the presence of a quorum, which shall be
29 established by a roll call.



1 (7) The electronic means employed for remote participation in
2 House session must safeguard the integrity of the legislative
3 process and maintain the deliberative character of the meeting by
4 providing for simultaneous aural and verbal communication among all
5 participants.

6 (8) In the event the electronic means of facilitating remote
7 participation in House session by Members is interrupted, the
8 Presiding Officer shall halt session until the electronic means of
9 remote participation is restored to working order. This provision
10 shall not apply to an individual Member experiencing loss of
11 connection to the electronic means of remote participation.

12 (9) Members participating in House session remotely by
13 electronic means may cast votes on all bills, resolutions, and
14 motions brought to a vote as if the Members were physically present
15 in the House Chambers. All votes taken on the final passage of a
16 bill or adoption of a resolution during any House session held by
17 electronic means shall be by roll call vote to avoid any question
18 as to how each Member votes. The Clerk of the House, or the
19 designee of the Clerk, shall call the roll.

20 (10) The Presiding Officer shall verify the identity of the
21 voting Member.

22 (11) A Member participating remotely by electronic means in
23 any House session shall provide the Clerk of the House with a
24 written certification confirming that it was, in fact, that Member
25 present and voting by electronic means in such a session within 48
26 hours of the adjournment of such session. All such certifications
27 shall be entered in the House Journal. The Clerk of the House may
28 prescribe the format of the certification.

29 (12) The House Business Office shall provide suitable

1 electronic means that enables Members to participate remotely in
2 House Session, in consultation with the Clerk of the House, and
3 under the direction of the Speaker.

4 (13) All House sessions conducted as authorized by the
5 provisions of these Temporary Rules shall be webcast live on the
6 House website. Audio and/or video recordings of all such sessions
7 shall be made available to the public on the House website. All
8 House sessions conducted by electronic means will be broadcast on
9 House television.

11 **Effect on Standing Rules**

12 Rule 3. Except to the extent that they conflict with these
13 Temporary Rules, the Standing Rules of the House of
14 Representatives, as adopted in House Resolution No. 1 of 2019, on
15 January 9, 2019, remain in full force and effect.

17 **Expiration of Temporary Rules**

18 Rule 4. These Temporary Rules for Emergency Operation of the
19 House of Representatives shall expire after the state of emergency
20 or state of disaster declared by the Governor across the state of
21 Michigan under Section 3 of the Emergency Management Act, 1976 PA
22 390, and relied upon by the Speaker and Minority Leader to invoke
23 these Temporary Rules, is terminated by the Governor or by
24 operation of law, unless otherwise further extended in accordance
25 with the Standing Rules of the House of Representatives.

