

No. 98
STATE OF MICHIGAN
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101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Thursday, December 9, 2021.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Aric Nesbitt.

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

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

Horn—present
Huizenga—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—excused
MacDonald—present
McBroom—present
McCann—present
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
Wozniak—present
Zorn—present

Senator Paul Wojno of the 9th District offered the following invocation:

Almighty God, we believe that You created man as an individual to be autonomous and to be governed by his own conscience, but as a people You have ordained government that we may live in harmony with each other. You have given us this great country as our heritage to govern.

We humbly pray that we may always remember Your generosity and faithfulness for entrusting us with such a high level of legislative power. Bless our state and especially those who serve to strive for statesmanship. Bless them with honesty, truthfulness, and an honorable way of life to defend our liberty and strengthen the people who have come from throughout the world to make America and the state of Michigan their home.

Lead us to choose the difficult right instead of the easier wrong. Help us to appreciate the opportunities that are still ours here in America as we struggle to bring harmony to an unsettled world. May we balance our concern for justice with mercy and our concern for security with the willingness to take a risk with others that will produce a worthwhile change for the good of all. Lord, we pray for Your guidance as we work together for the best interests of our community—our first responders, our local government and all of their staff, our nation, our world—and an ultimate goal of peace.

In times of prosperity let us be thankful, and in troubled times may our deepest trust be in You. Amen.

The President pro tempore, Senator Nesbitt, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator LaSata moved that Senator Lauwers be excused from today's session.

The motion prevailed.

Senator Chang moved that Senators Alexander, Ananich, Bayer, Brinks, Bullock, Hertel, Hollier, Irwin, McCann, McMorrow, Moss, Polehanki and Santana be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Office of Senator Stephanie Chang

December 7, 2021

Per Senate Rule 1.110(c) I am requesting that my name be removed as a co-sponsor to Senate Bills 708, 709, 710, and 711 which were introduced on October 28, 2021 and were referred to the Senate Committee on Families, Seniors, and Veterans.

Sincerely,
Stephanie Chang
State Senator, District 1
Minority Floor Leader

The communication was referred to the Secretary for record.

The following communication was received:

Office of Senator Sean McCann

December 7, 2021

I respectfully request that my name be added as a co-sponsor to Senate Bill 767, introduced by Senator Geiss.

If you have any questions, please do not hesitate to contact my office. Thank you for your attention to this matter.

Sincerely,
Sean McCann
State Senator
20th District

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Paul Wojno

December 8, 2021

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 767 which was introduced on December 2, 2021, by Senator Erika Geiss.

Warmest regards,
Paul Wojno
State Senator
9th District

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Ruth A. Johnson

December 9, 2021

I respectfully request to be added as a cosponsor to Senate Bill 780.
Thank you.

Sincerely,
Ruth A. Johnson
State Senator
14th District

The communication was referred to the Secretary for record.

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

Senate Bill No. 769, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 2 (MCL 12.252), as amended by 2020 PA 359, and by adding section 4.

Senate Bill No. 770, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88t.

Senate Bill No. 771, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88s.

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

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

Senate Bill No. 769

Senate Bill No. 770

Senate Bill No. 771

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

Senator LaSata 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:

Senate Bill No. 764

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

Recess

Senator LaSata moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

10:45 a.m.

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

During the recess, Senators Alexander, Irwin, Polehanki, McMorrow, Hollier, Hertel, Moss, Bayer, Bullock, Santana, Brinks, McCann and Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bayer, Moss, Polehanki, Chang, Wojno and Geiss introduced

Senate Bill No. 785, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 224g.

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

Senators Moss, Bayer, Polehanki, Chang, Wojno and Geiss introduced

Senate Bill No. 786, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2018 PA 637.

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

Senator Geiss introduced

Senate Bill No. 787, entitled

A bill to require employers to provide breaks for employees to breastfeed a nursing child or express breast milk for a nursing child; to provide for the conditions under which the breaks must be taken; to provide for the powers and duties of certain state governmental officers and entities; and to provide sanctions and remedies.

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

Senators Runestad, Wozniak, Daley and Theis introduced

Senate Bill No. 788, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 11, 12, 21, and 24 (MCL 169.203, 169.211, 169.212, 169.221, and 169.224), sections 3 and 11 as amended by 2017 PA 119 and sections 12, 21, and 24 as amended by 2019 PA 93, and by adding section 21b.

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

House Bill No. 4674, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending sections 1, 4, 9, 11, and 15 (MCL 18.351, 18.354, 18.359, 18.361, and 18.365), sections 1, 9, and 15 as amended by 1996 PA 519, section 4 as amended by 2008 PA 390, and section 11 as amended by 2010 PA 282, and by adding section 16a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4675, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending sections 5, 10, and 12 (MCL 18.355, 18.360, and 18.362), sections 5 and 10 as amended by 2008 PA 390, and section 12 as amended by 1996 PA 519, and by adding section 16a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5351, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9o (MCL 211.9o), as amended by 2018 PA 132.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator LaSata moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5602, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 2 (MCL 12.252), as amended by 2020 PA 359, and by adding section 4.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator LaSata moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5603, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88t.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator LaSata moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5604, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88s.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator LaSata moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 242, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 10 and 12 (MCL 46.410 and 46.412), section 12 as amended by 2013 PA 84.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Senate Bill No. 245, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 14 (MCL 45.514), as amended by 2017 PA 210.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Senate Bill No. 494, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8705, 8708, 8715, and 8716 (MCL 324.8705, 324.8708, 324.8715, and 324.8716), section 8705 as amended by 2011 PA 2 and sections 8708, 8715, and 8716 as amended by 2015 PA 118.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 671, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending sections 2, 13c, and 14a (MCL 125.2652, 125.2663c, and 125.2664a), section 2 as amended by 2020 PA 259 and sections 13c and 14a as added by 2017 PA 46.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Recess

Senator LaSata moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:02 a.m.

11:08 a.m.

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator LaSata moved that the Senate proceed to consideration of the following bill:

Senate Bill No. 273

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 273, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 761e.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 471

Yeas—21

Barrett	Johnson	Outman	This
Bizon	LaSata	Runestad	VanderWall
Bumstead	MacDonald	Schmidt	Victory
Daley	McBroom	Shirkey	Wozniak
Horn	Nesbitt	Stamas	Zorn
Huizenga			

Nays—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 278, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 761d (MCL 168.761d), as added by 2020 PA 177.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 472

Yeas—21

Barrett	Johnson	Outman	Theis
Bizon	LaSata	Runestad	VanderWall
Bumstead	MacDonald	Schmidt	Victory
Daley	McBroom	Shirkey	Wozniak
Horn	Nesbitt	Stamas	Zorn
Huizenga			

Nays—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4861, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 53 (MCL 257.1853), as amended by 2010 PA 93.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 473

Yeas—37

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	MacDonald	Santana	Zorn
Daley			

Nays—0

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties,”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4787, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 312f (MCL 257.312f), as amended by 2021 PA 71.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 474

Yeas—37

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas

Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	MacDonald	Santana	Zorn
Daley			

Nays—0

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 753, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), section 11 as amended by 2021 PA 48, section 17b as amended by 2007 PA 137, and sections 201 and 236 as amended by 2021 PA 86.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 475

Yeas—21

Barrett	Johnson	Outman	Theis
Bizon	LaSata	Runestad	VanderWall

Bumstead	MacDonald	Schmidt	Victory
Daley	McBroom	Shirkey	Wozniak
Horn	Nesbitt	Stamas	Zorn
Huizenga			

Nays—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 755, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 476**Yeas—21**

Barrett	Johnson	Outman	Theis
Bizon	LaSata	Runestad	VanderWall
Bumstead	MacDonald	Schmidt	Victory
Daley	McBroom	Shirkey	Wozniak
Horn	Nesbitt	Stamas	Zorn
Huizenga			

Nays—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McMorrow	Wojno

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:
Senate Bill No. 465, 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; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” by amending section 10o (MCL 247.660o), as amended by 2000 PA 188.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 477

Yeas—37

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	MacDonald	Santana	Zorn
Daley			

Nays—0

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 466, 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; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 2020 PA 222.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 478

Yeas—37

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno

Bumstead
Chang
Daley

LaSata
MacDonald

Runestad
Santana

Wozniak
Zorn

Nays—0

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5447, entitled

A bill to amend 1929 PA 269, entitled “An act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909,” by amending section 1 (MCL 430.51).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 479

Yeas—37

Alexander
Ananich
Barrett
Bayer
Bizon
Brinks
Bullock
Bumstead
Chang
Daley

Geiss
Hertel
Hollier
Horn
Huizenga
Irwin
Johnson
LaSata
MacDonald

McBroom
McCann
McMorrow
Moss
Nesbitt
Outman
Polehanki
Runestad
Santana

Schmidt
Shirkey
Stamas
Theis
VanderWall
Victory
Wojno
Wozniak
Zorn

Nays—0

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5448, entitled

A bill to amend 1931 PA 327, entitled “An act to provide for the organization, regulation and classification of corporations; to provide their rights, powers and immunities; to prescribe the conditions on which corporations may exercise their powers; to provide for the inclusion of certain existing corporations within the provisions of this act; to prescribe the terms and conditions upon which foreign corporations may be admitted to do business within this state; to require certain annual reports to be filed by corporations; to prescribe penalties for the violations of the provisions of this act; and to repeal certain acts and parts of acts relating to corporations,” by amending section 171 (MCL 450.171), as amended by 2006 PA 420.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 480

Yeas—37

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall
Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	MacDonald	Santana	Zorn
Daley			

Nays—0

Excused—1

Lauwers

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Recess

Senator LaSata moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:22 a.m.

12:08 p.m.

The Senate was called to order by the President pro tempore, Senator Nesbitt.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator LaSata 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 pro tempore, Senator Nesbitt, designated Senator Alexander as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4282, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 163 (MCL 168.163), as amended by 2012 PA 276.

House Bill No. 4283, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 11 and 11a (MCL 46.411 and 46.411a), section 11 as amended by 2002 PA 158.

House Bill No. 4284, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 193 and 254 (MCL 168.193 and 168.254), section 193 as amended by 2012 PA 276 and section 254 as amended by 2018 PA 120.

House Bill No. 4285, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 349 (MCL 168.349), as amended by 2018 PA 654.

The bills were 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:

House Bill No. 5376, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 623 (MCL 206.30 and 206.623), section 30 as amended by 2020 PA 65 and section 623 as amended by 2014 PA 13, and by adding sections 254 and 675 and part 4.

Substitute (S-1).

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.

Recess

Senator LaSata moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:15 p.m.

12:47 p.m.

The Senate was called to order by the President pro tempore, Senator Nesbitt.

Senator LaSata 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 pro tempore, Senator Nesbitt, designated Senator Alexander as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 769, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 2 (MCL 12.252), as amended by 2020 PA 359, and by adding section 4.

Substitute (S-1).

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.

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

Senate Bill No. 770, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88t.

Substitute (S-1).

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.

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

Senate Bill No. 771, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88s.

Substitute (S-1).

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.

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

Senate Bill No. 764, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

Substitute (S-1).

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 returned to the order of

Motions and Communications

Senator LaSata moved that the rules be suspended and that the following bills, now on Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 769

Senate Bill No. 770

Senate Bill No. 771

Senate Bill No. 764

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator LaSata moved that the Senate proceed to consideration of the following bill:

Senate Bill No. 769

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 769, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 2 (MCL 12.252), as amended by 2020 PA 359, and by adding section 4.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 481

Yeas—27

Alexander
Ananich

Hertel
Hollier

McMorrow
Moss

Stamas
VanderWall

Bayer	Horn	Outman	Victory
Bizon	Huizenga	Polehanki	Wojno
Brinks	LaSata	Santana	Wozniak
Bullock	MacDonald	Schmidt	Zorn
Daley	McCann	Shirkey	

Nays—10

Barrett	Geiss	McBroom	Runestad
Bumstead	Irwin	Nesbitt	Theis
Chang	Johnson		

Excused—1

Lauwers

Not Voting—0

In The Chair: Nesbitt

Senator LaSata moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Senators Hollier, McMorro and Horn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hollier's statement is as follows:

Three years ago, I came in a special election and in that very first week, General Motors announced the closure of the GM Detroit Hamtramck or Poletown plant and it was the scariest moment for a young elected official because I knew I didn't know enough to take care of my residents. I called former Mayor Archer who had always been a mentor and he said, The first thing you need to do is call Senator Levin because Carl Levin helped build that plant in the '80s. I called him and he said, The first thing you must do is never accept that this plant is going to close. I said, But they said— You never accept that this plant is going to close. You need to start getting on the horn, you need to get meetings, you need to get organized, and you need to start working for the next project, the next product line, what's going to be built there. In this very back room, I called the Talent and Economic Development Department director—now the Majority Leader's chief of staff—and it was the first conversation we ever had—and I said, I need to talk to you today about how we're going to keep this plant open. We're meeting, we called General Motors and got their lobbyist, got their folks in and said, We need to be talking about this. MEDC, the local community, and we met weekly until we got an answer, until they were able to announce that the General Motors plant, the Poletown plant, was going to be the new home of an all-electric Hummer.

Just three weeks ago, I got to stand there with President Biden, the congressional delegation, GM's CEO Mary Barra, and Ray Curry, the president of the UAW, as they talked about a historic investment in EVs that was going to start in my district—the home of the auto industry. The original Model T plant is just a couple miles from my home. Chrysler's world headquarters was in that same location for just over three—almost 30 years ago, it moved. These are the kinds of things that Detroit, Hamtramck, Highland Park, and Michigan had. We're talking about a community where a third of every car produced in the world was at the beginning. Then, 30 years ago, a third of every car produced in the U.S. was made in Michigan. Today, it's 17 percent. We've lost almost half of our market share in just my lifetime—just my lifetime—and that's not talking about all the design jobs, all the innovation, all of those things that also used to be housed right there in Hamtramck, right there in Highland Park, right there in Detroit. The Argonaut Building, which is where

so many General Motors products were built and designed, the first wind tunnels as we started talking about aerodynamics, the next phase of our state is going to be in innovation and we know that the tools we are providing the state and MEDC with are going to ensure that Michigan is not just where cars are built, not just where we think about those things, but where the entire process is created for EVs.

The key piece among those is batteries. It's batteries, it's semiconductors, it's electricity, that's where we're moving and that is going to be the key to this state and our continued investment. As you think about today's vote, I hope you are all incredibly excited about what will be the first of many opportunities to recruit and retain jobs to Michigan because we are not competing with Indiana or Ohio, we're not competing with Mexico or the south, we are competing with the entire world to make sure that batteries are produced here, that semiconductors are produced here, that when we're talking about chips, they're made in your district, they're made in my district, and they're designed by our children in our communities, paying tax dollars to this state. For years, we talked about American muscle, but what we're really thinking about now is American innovation happening in our community and that's what these incentives are about, so I'm excited.

Senator McMorrow's statement is as follows:

As many in this room may know I have been a very vocal and involved critic and hopefully partner in conversations around economic development since taking office three years ago. We've heard from many business organizations, and businesses themselves, and many of our partners in this room that for Michigan to truly be a top-ten state for economic development, Michigan needs to improve our education, improve our talent development, our workforce development, that Michigan should be an inclusive and welcoming state, that we should address diversity and equity and in so many more ways, there's housing and develop communities that people love to live in and want to move to raise a family. With the bills in front of us today, I have been working incredibly hard with many stakeholders to understand that this must be a step, that if these bills and the appropriations that will follow are the endgame, then Michigan is making a commitment to stay rooted in our basis of manufacturing plant jobs when as a state we are very unique in that we have a foot planted on both sides—we have a history in manufacturing that dates back over a century, and we also have a foot in design and innovation and this should be, and can be, and will be the state where if you are inventing the future of mobility or the next big thing, it will be here.

I stand here today in support of these bills and encouraging all of us to be incredibly judicious with the funding we put behind them, with the knowledge that this must be a step. I agree with my counterpart in the Senate Economic and Small Business Development Committee that our goal—our united goal—should be 11 million people in the state of Michigan and we need to work together to get there. This is an important step and I will hold many of my stakeholders to the good-faith effort that starting in January, we will work on what's next—improving our workforce, improving our communities, ensuring that our goal as a state should be to get to a place where we no longer need to offer such incentives because this will be a place that companies and families will be clamoring to stay in, to expand in, to move to because of the sheer power of the workforce in the place we all call home.

Senator Horn's statement is as follows:

I would like to thank the Senator from the 13th District as well for her acknowledgement of economic development and some of the great things that are going on. I do want to talk a little bit about the previous speaker as well because I have been dealing with this mantra from some of these government subsidized entities, these think tanks that present their information to us, that really present their information in a static world. A zero-sum world where investments never pay off. And I really am frustrated that think tanks and other entities subsidized by the government don't understand what investments actually mean.

Let me give you an example: The Ford Motor Company made their announcement, and we've talked about it—we've talked about it and now we are doing something about it. They are taking \$11 or \$12 billion investment down to Tennessee, 11,000 jobs. It should put my colleagues on the other side of the aisle who are not supporting the bill, put their minds at ease that the average wage on those 11,000 jobs is \$100 thousand each, making this nearly a billion dollar payroll—billion dollar payroll. That's just the jobs. Tennessee doesn't have an income tax, Michigan does, we have 4.25 percent income tax. Whether some of the think tanks believe that they can write a bill to eliminate income tax, or corporate income tax, or even lower it in today's environment is a big question. They're not proposing it, what they propose is a utopic world, but that billion dollar income tax in Michigan—had we spent that \$400 million, would pay itself back in less than ten years.

These are investments, this isn't money thrown down a rat hole—and then I ask my colleagues to consider—and most have—what will the region, what will the community immediately surrounding Blue Oval Park in Tennessee look like in 20 to 30 years? How many houses will be built? How many sandwich shops will be built? How many restaurants, bars, churches, gas stations, conference centers; will there be a sports complex? How many schools are going to be needed? How many roads will be fixed? How

many roads will be built? These are real investments that we’ve missed out on because we’ve had these false narratives and these arguments against economic development.

Where I just can’t even grapple with is the notion that if we do nothing, that something is going to happen. We did nothing. We lost General Motors 6,000 jobs just the year before. They begged us to do something and we turned them down. We lost Ford Motor Company 11,000 jobs. In the same week when I heard the Ford announcement—Leprino Foods made its announcement; nearly \$900 million investment, 600 jobs. They make cheese, not cars. They went to Texas. You know what Texas gave them? A water treatment plant and \$4.2 million in cash. That’s it.

These bills that are in front of us right now deal with site preparation; water, sewer, electric, fiber, curb cuts, these are community developments, these aren’t going to companies. This is for our community, it’s for our counties, it’s for our regions, to leverage dollars, make real investments. And then we have some closing dollars, that as I’ve mentioned, get paid back because of the tax structure that we do have. These are very positive investments and this is such a critical time, Mr. President. This isn’t just a year that we need to make change. This is the month that we need to make change. We have some opportunities on the hook right now that will change Michigan’s future and I ask for a “yes” vote.

The following bill was read a third time:

Senate Bill No. 770, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88t.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 482

Yeas—27

Alexander	Hertel	McMorrow	Stamas
Ananich	Hollier	Moss	VanderWall
Bayer	Horn	Outman	Victory
Bizon	Huizenga	Polehanki	Wojno
Brinks	LaSata	Santana	Wozniak
Bullock	MacDonald	Schmidt	Zorn
Daley	McCann	Shirkey	

Nays—10

Barrett	Geiss	McBroom	Runestad
Bumstead	Irwin	Nesbitt	Theis
Chang	Johnson		

Excused—1

Lauwers

Not Voting—0

In The Chair: Nesbitt

Senator LaSata moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 771, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 9 (MCL 125.2009), as amended by 2017 PA 109, and by adding section 88s.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 483

Yeas—27

Alexander	Hertel	McMorrow	Stamas
Ananich	Hollier	Moss	VanderWall
Bayer	Horn	Outman	Victory
Bizon	Huizenga	Polehanki	Wojno
Brinks	LaSata	Santana	Wozniak
Bullock	MacDonald	Schmidt	Zorn
Daley	McCann	Shirkey	

Nays—10

Barrett	Geiss	McBroom	Runestad
Bumstead	Irwin	Nesbitt	Theis
Chang	Johnson		

Excused—1

Lauwers

Not Voting—0

In The Chair: Nesbitt

Senator LaSata moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

Protests

Senators Chang, Geiss and Barrett, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 769, 770, and 771 and moved that the statements they made during the discussion of Senate Bill No. 769 be printed as their reasons for voting “no.”

The motion prevailed.

Senator Chang’s statement is as follows:

Last week, I held an environmental justice virtual town hall and we had a number of great speakers and a number of guests who talked about a lot of things. We talked about the need to increase wages, we talked about the need to support our essential workers—including our janitors—we talked about paid leave, earned paid sick time, we had a small business owner who was talking about how she’s working hard to pay good wages and benefits and provide paid sick leave, we talked about the connection between economic and housing justice, we talked about how to support local small businesses doing the right thing for workers and for the community. No one in this town hall was saying, Let’s give hundreds of millions of dollars to unnamed big corporations in unnamed locations.

I understand today why most of my colleagues are supporting the bills before us today, but I do truly hope that one day soon we can have a conversation about economic development in a way that's comprehensive and looks at the kinds of solutions for our education, housing, workforce, transit systems, and more that many have discussed for years that would create the environment that companies will willingly want to come to.

Earlier today, a couple colleagues and I offered several amendments that were not adopted. One of them would include an annual independent review by the Office of the Auditor General to look at the number of new hires, what types of community revitalization actually transpired, sustainability, diversity, equity, and inclusion criteria, and more. We also had an amendment to require that people from the local community are prioritized in the hiring process—otherwise known as first-source hiring. We had an amendment with language to ensure the jobs that are created must be full-time, permanent jobs and counted for people who were actually previously unemployed. We had an amendment around environmental accountability so that we're spending taxpayer dollars only on those companies that are following the permits they agreed to and the environmental standards of our country. We had an amendment to add a sunset provision so that we don't end up in 15, 20, 26 years from now looking back at this program like we do some of the programs of the past and say we wish we had built in this requirement or that requirement. Because these amendments were not adopted, I will be voting "no."

I appreciate that we are having this conversation about economic development but I do truly hope that we can talk about more comprehensive solutions for the future that reflect the priorities our residents have been talking about. I ran for office to not just take the deal that's on the table but as a public servant to always, always try to advocate for the best possible future that my residents and all of our residents deserve.

Senator Geiss' statement is as follows:

I rise to give my "no" vote explanation on this package of bills, which is really hard for all the reasons that the Senator from the 2nd District just gave. However, while it is critically important that we have economic development tools such as what this bill package provides, one concern I have is directly related to equitable access to such tools and to the jobs that such tools would create, which is why I offered two amendments—amendment No. 1b on Senate Bill No. 769 and amendment No. 1e on Senate Bill No. 770—that ultimately were not adopted, which is unfortunate.

You know, in the wake of the summer of 2020 and events that garnered international attention on racial equity that we have not seen in a generation, we saw company after company, organization after organization, institution after institution, issue statements to the effect of supporting diversity, equity, and inclusion—declarations that were made, often with little visible follow-through on them. Even with the PPP loans provided for companies during the initial height of the COVID-19 pandemic, we saw Black-owned small businesses and other businesses traditionally considered as minority or disadvantaged communities not be able to participate in the PPP loan program at the same rates or access as traditionally white-owned businesses, not just in my district but across the state and across the country, and there is data to support this disparity.

One way to effect positive change in this economic development space is to put in place in state economic development tools the types of requirements as my amendments would have done to bolster diversity, equity, and inclusion so that we do not inadvertently—by commission or omission—repeat the systemic inequities and mistakes of the past that continue to have lasting effects today.

Being intentional and direct with an equity lens and framework will help effect change so that more people, companies, organizations, and institutions will have access to these types of economic development tools. And the failure of my amendments to be adopted, which were offered with the goal of improving the legislation, improving the policy, for us to think and act boldly and differently and inclusively, and it's the failure of those to be adopted why today I will be voting "no" on this package.

Senator Barrett's statement is as follows:

Michigan is certainly at a crossroads and we have a lot on the line to consider, especially after witnessing the bombshell announcement by Ford last month, but I rise now to respectfully dissent and give my "no" vote explanation. There is disagreement in the family and that's OK. Members of my caucus have eloquently provided commentary in public to give their praises for these bills and I appreciate the hard work they've put into them. Some of them may speak to support these bills after me, and I respect every single one of them. I just simply disagree with their conclusions.

According to an independent voting record analysis of lawmakers stretching back 20 years by the Mackinac Center for Public Policy, I have voted against more than 99 percent of corporate welfare subsidy programs during my time in the Legislature. I don't vote this way because I'm stubborn—although some of you may feel I am—rather it is because if these programs worked, they would have already proven themselves effective by now. Instead, we all bemoan the programs created by generations of legislators who

preceded us because it strips resources out of our budgets that we could use to fund priorities in the future. Then we get persuaded by powerful interests and influences in our state to create new programs where we convince ourselves that we are wiser and smarter than the legislators before us and that our incentive programs will work better than their corporate welfare programs did.

Here's an example. In 2015 I was a newly elected State Representative. I had never held political office before so I was looking at things with a fresh set of eyes. Shortly after taking office, we began constructing our state budget for the upcoming fiscal year. What I found surprised me. In our projection, we were expecting to collect about \$850 million in corporate business taxes. On the other side of the ledger sheet, we were expecting to pay out about \$850 million in business tax credits. At that point, why do we even have a business tax? It certainly isn't efficient to take money from all the various businesses that pay into the system, run it through the Department of Treasury, over to the Department of Labor and Economic Opportunity, then to the Michigan Economic Development Corporation, into the Michigan Strategic Fund, and finally paid out to the select few privileged corporations that have enough muscle and legal compliance attorneys to qualify for and obtain the credits. Aside from that, how is it morally fair to collect taxes from the thousands of businesses paying into the state treasury, only to pay that same money out to larger businesses or even others that may be in fact a direct competitor to an existing business in our state? But we can't just stand by and do nothing, they say. Other states will step in, they'll poach our talent, they'll take our companies, so we have to engage in this arms race between states now. I think it's fair to ask if there is in fact a better way to spend the resources we have than what is on the table before us.

Consider this. *Site Selection* magazine calls itself the leading publication in corporate real estate, facility planning, location analysis, and foreign direct investment. They consider themselves a leader in innovative economic development news coverage. *Site Selection* magazine conducts a survey each year to determine what these corporate executives look at to make their decision where to locate and where to expand and invest. I think we should look at what they told us. In October 2020, they ranked the following in order for site selection criteria. Existing workforce skills was No. 1 and workforce development was No. 2. Transportation and infrastructure was third, regulatory environment, state and local tax structure, right-to-work status, utility costs and reliability, quality of life, and No. 9 on the list out of ten was incentives. The top items on this list are all topics we can affect through legislation and policy, yet incentives, which are much lower on the list, receive all of the attention. Incentives are really only necessary to make up deficiencies on items higher on that list of priorities.

I mentioned earlier the hundreds of millions paid out in incentive credits that were locked in our state budget, but incentives rank very low on the list of consideration. Imagine instead how much difference in the quality of infrastructure an additional \$850 million per year would make? How many potholes could we fix on our darn roads? In 2013 one estimate was that it would cost about \$10 per pothole to repair, but 2013 was a long time ago. Let's assume the cost of labor, material, brand, inflation, etc., that it has doubled since 2013 and cost \$20 per pothole. That alone could still fix more than 40 million potholes every single year. If you believe that repairing 40 million potholes is a bit outrageous, consider how many miles we could pave of a two-lane highway. According to figures drawn from a 2019 Senate Fiscal Agency analysis, \$850 million could pave a two-lane highway from this State Capitol Building all the way to the Mackinac Bridge, fully funded in cash with no debt and we would still have money left over. Again, that's money that is every single year without raising anyone's taxes.

Would we not be wiser to invest in the needs we knew from empirical evidence that are higher on the list of priorities for companies looking for site locations, and also at the same time benefit all of our residents? Would major corporations rather have reliable transportation with smooth roads to get their goods to market or would they rather have cash in their pocket as a settlement to make up for the potholes outside their facility?

Some of you have heard me talk about my Charlotte Wal-Mart test. I talk about it frequently in my office with my staff—they usually roll their eyes—and other times too. To summarize it bluntly, I just pose the question that if we were to gather together a handful of people shopping at the Wal-Mart in Charlotte together, what would they think of this idea? In other words, does it pass the Charlotte Wal-Mart test? Just yesterday my wife contacted me on my way home from work to pick up some essentials we needed at home and I stopped at the Wal-Mart in Charlotte. While waiting to check out, a couple in line next to me struck up a conversation about politics going on today. I mentioned this package of bills coming before us to gauge their reaction. The husband asked me, What about my friend who owns a bunch of sandwich shops? Will he qualify for this incentive program? Of course not. But his friend can't find workers to operate fully staffed. His friend was shut down off and on throughout the pandemic and has struggled to get by, but nothing in this bill will benefit the sandwich shop owners in each of our districts or any of the other small businesses out there just looking for a fair shot at living their dreams. He's not trying to be the next Subway and have restaurants all over the world; he's just trying to chase his dream and provide a livelihood for his family along the way.

I think everyone here is familiar with the story of *The Giving Tree* by Shel Silverstein. The Giving Tree strikes up a friendship with a boy and continues to give more and more to the boy at every turn. By the end of the book, the tree is nothing more than a stump. I don't want that to happen to the resources we have here in Michigan. Unlike the Giving Tree, those fruits are our fruits, paid for by our taxpayers; those branches are our branches paid for by our taxpayers—hardworking people just trying to live their lives.

Mr. President, maybe I'm nostalgic for a simpler time, one where we competed against other countries, not against our fellow countrymen in other states. And maybe I'm wrong. Maybe these will be different, and maybe this will be something that truly operates as has been presented by those advocating for its passage. But because of the concerns I raised, I cannot place my vote and the voice of 275,000 constituents to this legislation today. I truly wish those who are looking to invest in our state the warmest of welcomes and my hope is that we can work toward a future of opportunity that applies equally for every employer in Michigan—the large, the medium, and the small.

The following bill was read a third time:

Senate Bill No. 764, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 484

Yeas—34

Alexander	Daley	McCann	Schmidt
Ananich	Geiss	McMorrow	Shirkey
Barrett	Hertel	Moss	Stamas
Bayer	Hollier	Nesbitt	Theis
Bizon	Horn	Outman	VanderWall
Brinks	Irwin	Polehanki	Wojno
Bullock	Johnson	Runestad	Wozniak
Bumstead	LaSata	Santana	Zorn
Chang	MacDonald		

Nays—3

Huizenga	McBroom	Victory
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Excused—1

Lauwers

Not Voting—0

In The Chair: Nesbitt

Senator LaSata moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Moss' statement is as follows:

Over the weekend, I was talking to my high school English teacher from Groves High School at the south end of Oakland County and we were talking about the tragedy at the north end of the county at Oxford High School. She is still an English teacher at Groves High School and asked me, as a state Senator, What can we do to mitigate and reduce these incidents of gun violence in our schools and in our communities—the exact same conversations we were having in her classroom when I was a student 20 years ago. So for perspective of time: I'm the most recent high school graduate here, along with the Senator from the 13th District. The high school class of 2004.

I was in middle school during Columbine. I was in college during Virginia Tech. I'm a young adult who goes to bars like Pulse Night Club. I worship in a synagogue like Tree of Life Synagogue. It feels to me that these mass shooting events follow me at every stage of life, and I'm not alone. In this state, we have a generation of people who are born here, who are raised here, went to school here and were educated here, are now in the workforce here, now have kids of their own raising their families here. And they're sending their kids to school to deal with the exact same problems that we dealt with.

The failure to address gun violence is being passed on from generation to generation and it's getting worse and worse and worse. We haven't done anything in that time to pass measures that would prevent school shootings, and it's going to get worse unless we take a stand and do something about it.

Another perspective of time: In June of 2016, a handful of us established the Gun Violence Prevention Caucus in the Michigan Legislature to put forward issues and resolutions toward this crisis in our country. Ten days later was the Pulse Nightclub shooting. So, from Pulse in 2016 to Oxford High School last week, this legislature has squandered these opportunities to take preventative measures. Our caucus has introduced bills on universal background checks every session, on red flag laws every session, on safe storage laws every session—very pertinent to the Oxford tragedy. These bills have broad support, not just from the general population but support from responsible gun owners too. It's only this Legislature that fails to support them.

The only law—the only law—that has passed this term related to the topic is we've allowed schools to use those door stops so that an active shooter can't enter individual classrooms. I supported that bill, that bill saves lives, but isn't that a sign of a Legislature that has just given up and thrown it's hands up in the air on prevention—telling students, We know there will be an armed shooter in your school, so here is a door stop for when it happens. We have to do better.

Just this morning the Senator who represents Oxford and I introduced two bills limiting magazine capacity. So don't tell me that we don't need more laws to solve this crisis. This Senate passes innocuous laws all the time to make things illegal that nobody's doing anyway. Surely we can tackle the real problem of gun violence in our communities as well. Surely, if you are pro-gun you can also be anti-gun violence.

We will continue to offer our solutions, but we can't get it done without you. Let's get to work. The next generation depends upon it.

Senator Ananich's statement is as follows:

I have some unfortunate news. Many of you that I served with in the Senate last term might remember that I worked, when I was a teacher at Carman-Ainsworth High School, I had a student who died while in service to this country. His mother, Teri, was a Gold Star mother and just an amazing person. She actually became pretty close friends with, at the time, my legislative director Shaquila Myers, now the Lieutenant Governor's chief of staff, and I went over and talked to my good friend and colleague from the 14th District, Senator Johnson, just to make sure she understood why I am getting up to speak about it, a constituent of hers, but I felt, my heart told me that I had to say something today.

The visitation for Teri Marie Johnson is today and the funeral will be tomorrow. She unfortunately was 61 years of age when she passed. As I will mention, I had her son Joe, or Joey, Joe Johnson, Sergeant Joe Johnson. We were able to name a portion of the highway after him, over by Bishop Airport a number of years ago. Teri was born in Flint in 1960 and graduated from then Carman High School in 1978. She married her husband, Dennis, in 1981. Teri owned and operated her own medical billing company called Marimax Physician's Billing. Teri was a member and former president of the Gold Star Mothers, and former board member at the Great Lakes National Cemetery.

We met Teri and Dennis through their advocacy for their son, as I mentioned before, Sergeant Joe Johnson, who was killed by an insurgent IED while serving our nation in Afghanistan. Because of her warm and caring

personality, my staff and I grew very close to Teri as we worked together to name a stretch of US-23 after her heroic son. And, I will stop for a second, he was an amazing kid too. If you teach for long enough, which I didn't, I taught for a few years, if we teach long enough you have a lot of kids that you come across, and many of them you remember and many of them you don't. He was a kid I will remember for the rest of my life, partly because of his heroic actions after he left my class, but just the funny way he carried himself when he was in class. He was a good kid.

And all of you that were here in 2017, I would like to thank you all who voted in support of that legislation. I think everyone in both chambers at the time voted for it. The highway naming is part of Joe's legacy and is a very important part of Teri's. She was a strong advocate. Teri's husband, Dennis, has also taken ill and I ask that you please pray for him. He is improving, I believe he's still on the ventilator but I believe he is improving. I am going to stay in touch with the family and ask that you all pray for him and pray for Teri. She is now with her beloved son, but it was too soon.

A moment of silence was held in honor of Teri Marie Johnson, Gold Star mother.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 8:

House Bill Nos. 4674 4675 5351 5602 5603 5604

The Secretary announced that the following bills and resolution were printed and filed on Wednesday, December 8, and are available on the Michigan Legislature website:

Senate Bill Nos. 779 780 781 782 783 784

Senate Resolution No. 99

House Bill Nos. 5614 5615 5616 5617 5618 5619 5620 5621 5622

Committee Reports

The Committee on Natural Resources reported

House Bill No. 4035, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2150 (MCL 324.2150), as amended by 2012 PA 603.

With the recommendation that the bill pass.

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

Ed McBroom

Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources reported

House Bill No. 4149, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48738 (MCL 324.48738), as amended by 2020 PA 385.

With the recommendation that the bill pass.

Ed McBroom

Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources reported

House Bill No. 4151, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43560 (MCL 324.43560), as added by 1995 PA 57.

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources reported

House Bill No. 4152, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 40118 and 43558 (MCL 324.40118 and 324.43558), section 40118 as amended by 2020 PA 385 and section 43558 as amended by 2013 PA 108.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Natural Resources reported

House Bill No. 4363, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2104, 2132, and 2165 (MCL 324.2104, 324.2132, and 324.2165), sections 2104 and 2132 as amended by 2018 PA 238 and section 2165 as added by 2018 PA 240.

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources reported

House Concurrent Resolution No. 7.

A concurrent resolution to approve a designated open space land application for property in Kent County. (For text of resolution, see Senate Journal No. 39, p. 611).

With the recommendation that the concurrent resolution be adopted.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, December 8, 2021, at 8:30 a.m., Room 1300, Binsfeld Office Building

Present: Senators McBroom (C), Bumstead, Outman, Schmidt and McCann

The Committee on Finance reported

Senate Bill No. 764, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5322, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 12 and 18 (MCL 205.62 and 205.68), section 12 as amended by 2018 PA 167 and section 18 as amended by 2014 PA 108.

With the recommendation that the bill pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5323, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 14a and 14b (MCL 205.104a and 205.104b), section 14a as amended by 2014 PA 109 and section 14b as amended by 2018 PA 168.

With the recommendation that the bill pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5502, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9m (MCL 211.9m), as amended by 2017 PA 261.

With the recommendation that the bill pass.

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

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5503, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9n (MCL 211.9n), as amended by 2017 PA 261.

With the recommendation that the bill pass.
 The committee further recommends that the bill be given immediate effect.
 Jim Runestad
 Chairperson

To Report Out:
 Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander
 Nays: None
 The bill was referred to the Committee of the Whole.

The Committee on Finance reported
House Bill No. 5504, entitled
 A bill to amend 2014 PA 92, entitled “State essential services assessment act,” by amending section 7 (MCL 211.1057), as amended by 2018 PA 541.
 With the recommendation that the bill pass.
 The committee further recommends that the bill be given immediate effect.
 Jim Runestad
 Chairperson

To Report Out:
 Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander
 Nays: None
 The bill was referred to the Committee of the Whole.

The Committee on Finance reported
House Bill No. 5505, entitled
 A bill to amend 2014 PA 93, entitled “Alternative state essential services assessment act,” by amending section 7 (MCL 211.1077), as amended by 2018 PA 505.
 With the recommendation that the bill pass.
 The committee further recommends that the bill be given immediate effect.
 Jim Runestad
 Chairperson

To Report Out:
 Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander
 Nays: None
 The bill was referred to the Committee of the Whole.

The Committee on Finance reported
House Bill No. 5506, entitled
 A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 6 (MCL 207.556), as amended by 2013 PA 85.
 With the recommendation that the bill pass.
 The committee further recommends that the bill be given immediate effect.
 Jim Runestad
 Chairperson

To Report Out:
 Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander
 Nays: None
 The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:
 Meeting held on Wednesday, December 8, 2021, at 12:30 p.m., Room 1200, Binsfeld Office Building
 Present: Senators Runestad (C), Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

The Committee on Elections reported

Senate Bill No. 279, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 730 and 764d (MCL 168.730 and 168.764d), section 730 as amended by 1995 PA 261 and section 764d as added by 2020 PA 95.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Ruth A. Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, McBroom and VanderWall

Nays: Senator Wojno

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Elections submitted the following:

Meeting held on Wednesday, December 8, 2021, at 2:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Johnson (C), McBroom, VanderWall and Wojno

Senator LaSata moved that the Senate adjourn.

The motion prevailed, the time being 1:51 p.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, December 14, 2021, at 10:00 a.m.

MARGARET O’BRIEN

Secretary of the Senate

