

No. 73
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Thursday, September 24, 2020.

10:00 a.m.

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

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

Alexander—present
Ananich—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
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
Lucido—present
MacDonald—present
MacGregor—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
Zorn—present

Senator Mike Shirkey of the 16th District offered the following invocation:

Heavenly Father, this is a continuation of a conversation You and I had started about 6:30 this morning. As I got up and started heading to Lansing, the word that kept coming into my mind was grace. I contemplated and talked with You for the better part of a 59-minute drive and then that was culminated and followed up by a prayer breakfast this morning that You know because You were present. One of the members of that prayer breakfast also brought up this concept of grace.

As I look across our state and our nation, and the world for that matter, and I see this growing, growing polarization—political polarization, social polarization, you name it. And I'm wondering how we can shorten and shrink that gap. The word that comes to my mind is grace. There is just simply not enough grace amongst us in this world and there is an infinite amount of grace that You have for us.

Lord, today in our prayer I just ask that You would impress upon all of our hearts that this notion of grace of which You have infinite amounts requires both a sender and a receiver and that each of us in our own ways endeavor to look for ways in which we can both extend grace and receive grace—endeavor to shrink this polarization and maybe even hold witness to what we've experienced the last few weeks on this budget process, that we can—when we're at the table and willing to talk to one another—we can shrink that gap from one end of that spectrum to the other. Lord, we lift up the proceedings and those that are leading today. We lift up the hearts of the members that are privileged to serve and the staff that support us so well. Extend that circle of grace and love beyond ourselves to our families, friends, and even beyond. And thank You again for the privilege to serve and to petition to You.

It is in Your Son's great and powerful and awesome name we pray. Amen

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

Senators Stamas, Santana, Moss, Schmidt and Ananich entered the Senate Chamber.

Motions and Communications

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

The motion prevailed.

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

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

The following communication was received:
Office of Senator Sean McCann

September 18, 2020

I respectfully request that my name be added as a co-sponsor to Senate Bill 1127, introduced by Senator Irwin.

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 communications were received:
Office of Senator Stephanie Chang

September 23, 2020

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 993 which was introduced on June 25, 2020 and was referred to the Senate Committee on Judiciary and Public Safety.

September 23, 2020

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 1127 which was introduced on September 22, 2020 and was referred to the Senate Committee on Families, Seniors, and Veterans.

Sincerely,
Stephanie Chang
State Senator, District 1

The communications were referred to the Secretary for record.

Senator MacGregor moved that rule 2.107 be suspended to allow committees to meet during Senate session.

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

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:33 a.m.

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

During the recess, Senators Bullock, Hollier and Geiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 4686, entitled

A bill to amend 1996 IL 1, entitled "Michigan Gaming Control and Revenue Act," by amending section 25 (MCL 432.225), as amended by 2019 PA 158.

House Bill No. 5602, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 28a (MCL 125.1528a), as amended by 2018 PA 332.

House Bill No. 5194, entitled

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending section 2 (MCL 257.1302), as amended by 2016 PA 430.

House Bill No. 5267, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2084) by adding section 1050.

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:

Senate Bill No. 1035, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 325, 687, and 701 (MCL 206.325, 206.687, and 206.701), section 325 as amended by 2011 PA 38, section 687 as added by 2011 PA 38, and section 701 as amended by 2011 PA 311, and by adding chapter 18.

Substitute (S-2)

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

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

Senate Bill No. 986, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2401 and 2403 (MCL 339.2401 and 339.2403), section 2401 as amended by 1991 PA 166 and section 2403 as amended by 2016 PA 412.

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. 970, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2 and 11 (MCL 205.422 and 205.431), section 2 as amended by 2012 PA 188 and section 11 as amended by 2016 PA 86.

Substitute (S-2)

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Hollier introduced

Senate Bill No. 1144, entitled

A bill relating to the promotion of convention business and tourism in this state; to provide for imposition and collection of an excise tax on the owners of certain short-term rentals; to provide for the disbursement of the excise tax; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senators Nesbitt and Hollier introduced

Senate Bill No. 1145, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 207 (MCL 125.3102 and 125.3207), section 102 as amended by 2008 PA 12, and by adding section 206b.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

Senators McMorrow, Geiss, Polehanki, Irwin, Wojno, Moss, Bayer, McBroom, Victory, Bumstead, Horn, Bullock, Chang and Outman introduced

Senate Bill No. 1146, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803r (MCL 257.803r), as amended by 2019 PA 88, and by adding section 803s.

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

Senators Irwin, Polehanki, Geiss and Bayer introduced

Senate Bill No. 1147, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 17 of chapter XHIA (MCL 712A.17), as amended by 1998 PA 474.

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

Senators Irwin, McMorro, Polehanki, Wojno, Moss, Geiss, Bayer, Chang, McBroom and Santana introduced

Senate Bill No. 1148, entitled

A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending sections 1 and 4 (MCL 780.621 and 780.624), section 1 as amended by 2016 PA 336 and section 4 as amended by 2014 PA 335, and by adding section 2a.

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

House Bill No. 4098, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 21903, 21905, 21907, 21909, 21911, 21913, 21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905, 333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919, 333.21921, and 333.21923), as added by 2017 PA 172.

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 Health Policy and Human Services.

House Bill No. 5770, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending sections 3, 5, and 11 (MCL 445.903, 445.905, and 445.911), section 3 as amended by 2018 PA 211 and section 5 as amended by 2006 PA 508, and by adding section 3l.

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 Regulatory Reform.

House Bill No. 5777, 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.

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 Natural Resources.

House Bill No. 5844, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16296 and 16299 (MCL 333.16296 and 333.16299), section 16299 as amended by 2012 PA 499.

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. 5854, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 625, 904, 904a, and 905 (MCL 257.625, 257.904, 257.904a, and 257.905), section 625 as amended by 2017 PA 153, section 904 as amended by 2018 PA 212, and section 904a as amended by 1985 PA 53, and by adding section 83; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

House Bill No. 5855, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1599 and 1809 (MCL 380.1599 and 380.1809), section 1809 as added by 1995 PA 96.

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. 5856, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 40118, 41105, 47327, 48738, 80104, 80177, 80178b, 81101, 81134, 82101, 82128, and 82129b (MCL 324.40118, 324.41105, 324.47327, 324.48738, 324.80104, 324.80177, 324.80178b, 324.81101, 324.81134, 324.82101, 324.82128, and 324.82129b), section 40118 as amended by 2017 PA 124, sections 41105 and 47327 as added by 1995 PA 57, section 48738 as amended by 2014 PA 541, section 80104 as amended by 2020 PA 72, section 80177 as amended by 2014 PA 402, section 80178b as added by 2014 PA 402, sections 81101 and 81134 as amended by 2014 PA 405, section 82101 as amended by 2016 PA 294, section 82128 as amended by 2014 PA 404, and section 82129b as added by 2014 PA 404.

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. 5857, entitled

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” by amending sections 257 and 267 (MCL 462.257 and 462.267).

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. 6030, entitled

A bill to provide minimum requirements for claims alleging exposure to COVID-19; establishing liability standards for claims alleging exposure to COVID-19; precluding liability if conduct complies with regulations, orders, or public health guidance; and limiting liability with respect to certain products made, sold, or donated in response to COVID-19.

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 Economic and Small Business Development.

House Bill No. 6031, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 85.

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 Economic and Small Business Development.

House Bill No. 6032, entitled

A bill to prohibit an employer from taking certain actions against an employee who does not report to work under certain circumstances related to COVID-19; to prohibit an employee from reporting to work under certain circumstances related to COVID-19; to prohibit discrimination and retaliation for engaging in certain activities; to provide remedies; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Economic and Small Business Development.

House Bill No. 6101, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 85a.

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 Economic and Small Business Development.

House Bill No. 6159, entitled

A bill to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

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 Health Policy and Human Services.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 536

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 536, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2083) by adding section 1070a.

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. 345

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Hollier asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Hollier’s statement is as follows:

I wanted to thank all my colleagues for recognizing this memorial highway bill. It’s for Representative Tate’s father. As many of you know, my father was also a Detroit firefighter along with my brother and brother-in-law. Representative Tate’s father died tragically after fighting a fire in 1981—February 17—serving on Engine 52 and the memorial highway section is just a couple miles away from that engine and in close proximity to the fire he was fighting. I just want to say thank you and to make sure that we all recognize that in this time as we think about all these things, often we fail to recognize the firefighters who we lost through their service and throughout the years and we spend all of this time as we talk about the memorial highways, I’m just really grateful that we were able to do something and recognize a firefighter in this way and one of our colleagues.

The following bill was read a third time:

House Bill No. 5289, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2882 and 2891 (MCL 333.2882 and 333.2891), section 2882 as amended by 2002 PA 691 and section 2891 as amended by 2020 PA 53.

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. 346

Yeas—37

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

Nays—1

Geiss

Excused—0

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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide

for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 132, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” by amending sections 12 and 48 (MCL 250.1012 and 250.1048), and by adding section 1085.

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. 432, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 74 (MCL 125.2074), as amended by 2006 PA 616.

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. 435, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2081) by adding section 1075a.

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. 665, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 411 (MCL 436.1411), as amended by 2018 PA 403.

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 MacGregor moved that the Senate recess until 1:30 p.m.
The motion prevailed, the time being 11:03 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Nesbitt.

Recess

Senator MacGregor moved that the Senate recess until 3:00 p.m.
The motion prevailed, the time being 1:31 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Nesbitt.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:01 p.m.

4:26 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

Resolutions

Senator MacGregor moved that rule 3.204 be suspended to permit immediate consideration of the following concurrent resolution:

House Concurrent Resolution No. 30

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

House Concurrent Resolution No. 30.

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities and villages.

Whereas, Section 77 of 1846 RS 14, MCL 51.77, provides funding for county secondary road patrol services pursuant to an agreement with the Office of Criminal Justice, which, pursuant to Executive Order No. 1989 – 4, is now the Office of Highway Safety Planning within the Department of State Police. An agreement also provides a maintenance of law enforcement effort standard for counties providing these secondary road patrol services, unless it is recognized that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 76 of 1846 RS 14, MCL 51.76, permits road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 77 of 1846 RS 14, MCL 51.77, provides a formula for funding county secondary road patrol services. This formula permits road patrol services provided by county sheriff departments to cities and villages to be eligible for secondary road patrol funding as long as the city or village complies with the MCL 51.76 law enforcement maintenance of effort requirement, unless any reduction is recognized to be due to cuts in general services due to economic conditions; and

Whereas, In all of Michigan’s counties, cities, and villages, general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, for Fiscal Year 2021, counties, cities, and villages in Michigan have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in Section 76 or 77 of 1846 RS 14; and be it further

Resolved, That counties, cities, and villages have met the necessary terms of their agreements for road patrol services and secondary road patrol funding as they relate to maintenance of effort.

The House of Representatives has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Lauwers 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 with a substitute therefor, the following bill:

House Bill No. 6119, entitled

A bill to amend 1985 PA 106, entitled “State convention facility development act,” by amending section 10 (MCL 207.630), as amended by 2010 PA 207.

Substitute (S-1)

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 7, line 21, after “**than**” by striking out “**February 1**” and inserting “**May 1**”.

The Senate agreed to the substitute as amended 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 MacGregor moved that the rules be suspended and that the following bill, now on Third Reading of Bills, be placed on its immediate passage:

House Bill No. 6119

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 MacGregor moved that the Senate proceed to consideration of the following bill:

House Bill No. 6119

The motion prevailed.

The following bill was read a third time:

House Bill No. 6119, entitled

A bill to amend 1985 PA 106, entitled “State convention facility development act,” by amending section 10 (MCL 207.630), as amended by 2010 PA 207.

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. 347

Yeas—35

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

Nays—2

Nesbitt Runestad

Excused—0

Not Voting—1

Ananich

In The Chair: Nesbitt

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 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 impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes.”.

The Senate agreed to the full title.

Senator Chang moved that Senator Ananich be excused from the balance of today’s session.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

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

Senate Bill No. 757

The motion prevailed.

Senate Bill No. 757, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 765, 765a, and 765b (MCL 168.765, 168.765a, and 168.765b), sections 765 and 765a as amended by 2020 PA 95, section 765b as added by 2018 PA 127, and by adding sections 14b and 24k.

The House of Representatives has substituted (H-7) the bill.

The House of Representatives has passed the bill as substituted (H-7), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 759, 761, 764a, 765, 765a, and 765b (MCL 168.759, 168.761, 168.764a, 168.765, 168.765a, and 168.765b), sections 759 and 761 as amended by 2018 PA 603, section 764a as amended by 2012 PA 128, sections 765 and 765a as amended by 2020 PA 95, and section 765b as added by 2018 PA 127, and by adding sections 14b, 24k, and 761d.

Pending the order that, under rule 3.202, the bill be laid over one day, Senator MacGregor moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 348

Yeas—35

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

Nays—2

Barrett	Theis
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Excused—1

Ananich

Not Voting—0

In The Chair: Nesbitt

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 title as amended.

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

Protests

Senators Barrett and Theis, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 757.

Senator Barrett moved that the statement he made during the discussion of the substitute be printed as his reasons for voting “no.”

The motion prevailed.

Senator Barrett’s statement, in which Senator Theis concurred, is as follows:

I wish I could support this bill today. I think that the intent behind it is certainly well-meaning and well-intentioned to have a timely way of processing ballots on Election Day so that we get our results identified and accounted for in a timely manner. However, I think there is still room for a tremendous amount of risk that this bill does not account for. We are allowing for the pre-processing of absentee ballots, for the outer envelope of absentee ballots to be opened up, certainly for that process to be monitored, but then those ballots that are basically pre-processed to be placed within a secured container and sealed to be actually counted in the tabulator the following day on Election Day morning. The issue I see with this is that there is no identification of what will take place if a sealed ballot container is somehow ruptured or tampered or broken or in any way opened or exposed. That could happen from a variety of different ways. It could be purposeful or it could be totally benign, but still there is nothing in this bill that identifies what will happen in that takes place.

I want to share with the members a story from my district that just took place very recently in the August primary election. A school bond issue was being decided for the Durand Public Schools and the clerk admitted that she accidentally sent a few ballots to people who were not eligible to vote in that particular race because they didn’t reside in the actual school district where the bond issue was being debated. The actual vote on Election Day only prevailed by two votes. However, there were a number of voters in that race that were ineligible to vote on that particular question. They know of at least 12. When they decided to go back and do a recount just to determine if the issue had truly prevailed or not, they found that the ballot tamper seal had been broken and they were not able to do a paper recount. That meant that the machine tabulation stood as the final decision of that particular race. So now we have a vote count where we know certain ballots were in there that shouldn’t have been and certain people that voted in that race that shouldn’t have. The decision was only decided by two votes. More than that number were inadvertently in the box and when the paper recount was initiated they immediately found that the seal had been tampered with. That was on a school bond issue. That wasn’t deciding who’s going to nominate people to the Supreme Court of the United States for the next four years. That wasn’t deciding whether or not we go to war or send people into combat or not.

That’s what’s on the ballot in November of this year. And if we can’t expect that there’s going to be a desire by some to perhaps tamper with these ballots after they had been opened in some respect, I think that we have to acknowledge that that could happen and I really hope those of you that are voting for this don’t regret this decision on November 3 or November 4. If we have ballot boxes that had seals that were in some way corrupted and we don’t know what level of damage was done, how can we be certain that the results of the election are actually as we would like them to be? All of us should want the results of the election to be accurate. We should not be injecting a level of risk into this year’s election above anything else. I am willing to wait a little bit longer for the results to be certain so that we know that there was not some type of manipulation that took place. I’d like to see that done and I don’t think this bill accomplishes that. I will be voting “no” and I would encourage the rest of my colleagues to vote “no” as well.

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 4:48 p.m.

5:25 p.m.

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

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

Senate Bill No. 117

The motion prevailed.

Senator MacGregor moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 117

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

Senate Bill No. 117, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 759a (MCL 168.759a), as amended by 2012 PA 523.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 349

Yeas—31

Alexander	Geiss	MacDonald	Schmidt
Bayer	Hertel	MacGregor	Shirkey
Bizon	Hollier	McCann	Stamas
Brinks	Horn	McMorrow	VanderWall
Bullock	Irwin	Moss	Victory
Bumstead	LaSata	Outman	Wojno
Chang	Lauwers	Polehanki	Zorn
Daley	Lucido	Santana	

Nays—6

Barrett	McBroom	Runestad	Thisis
Johnson	Nesbitt		

Excused—1

Ananich

Not Voting—0

In The Chair: Nesbitt

Senator Johnson moved that she be removed as prime sponsor of the bill.
The motion prevailed.

Senators Barrett, Lucido and Nesbitt moved that they be removed as co-sponsors of the bill.
The motion prevailed.

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.

Protests

Senators Johnson and Barrett, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 117 and moved that the statements they made during the discussion of the substitute be printed as their reasons for voting “no.”

The motion prevailed.

Senator Johnson’s statement is as follows:

Mr. President, I rise to ask my colleagues to oppose the House’s substitute for Senate Bill No. 117. I have worked on this bill for many years; and, to make sure there was integrity in it, there was a necessity to use something called a Common Access Card—CAC card—for active military. That way, they can vote whether they’re in a foxhole, if they’re on a ship, or in any other place. After spending five days in the Middle East, there was no doubt that we needed to help our military serving this country vote and vote with integrity and assurance that their vote counts.

People’s trust, honesty, and accuracy in elections is at the heart of our democracy. I would like to send this bill back to the House to have that put back in the bill which is the use of the common access card issued by the military to make sure that we know who’s voting and make sure that we have integrity in our elections. Every year, electronic fraud and identity theft cost Michigan citizens and businesses untold millions of dollars. We can’t afford the same types of issues in our elections.

Mr. President, I urge people to vote “no” on this bill because the integrity portion of the common access card has been removed this morning.

Senator Barrett’s statement is as follows:

I thought that we had put together a really good framework here in the Senate when we voted to send this over to the House of Representatives back in B.C., also known as “before COVID,” last fall.

I’ve had the opportunity to vote absentee on military duty in a number of different elections. In the year 2000, I voted absentee from Basic Training. In fact, that night we were assigned a duty status where we had to serve an hour of time monitoring the phones and communication lines in case there was an emergency in the Drill Sergeant’s office. Our duty went to each bunk like dominos, down the line, every hour. I had voted absentee in that election and we started to see some of the election results before lights out in the barracks that night. Literally every single person the following morning when we got up, each successive person in line after me, told me a different person had won the election because it had gone back and forth throughout the night so many times. In 2004 I was in Guantanamo Bay, Cuba and voted absentee in the election that year, in 2008 I was in Iraq and successfully voted absentee from there as well.

This bill is designed to give people who don’t have that access to mail the ability to vote as a last ditch effort, using their Common Access Card to electronically verify their signature and the integrity of their particular election. I really appreciate the remarks from my colleague from the 14th District to raise some of the concerns. I have a Common Access Card with me that was issued to me by the Department of Defense. It has an encrypted chip within it, you have a two factor authentication, you can put this into any terminal, any Department of Defense terminal, and put a PIN number to verify your identity and provide an electronic signature. When you remove that from this process you are removing a level of security that gives that service member the certainty that their ballot will be counted for whomever it is that they voted for. I wish that this bill would have protected that particular piece of the ballot integrity. I am disappointed that provision was taken out. As my colleague from the 14th District pointed out, I wish that we could amend this bill in that fashion and send it back to the House for their consideration. I can’t support the bill without that important security level included, both for the integrity of the vote, but also for the integrity of the service member to know that their vote is not going to be changed in some fashion after they have sent it in.

Senator Hollier asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Hollier’s statement is as follows:

I’d ask you to support this legislation. As someone who is incredibly close friends with a number of individuals deployed now and deploying, this is incredibly important. As we came down the stairs, I talked to one of my very best friends who I went to basic training, Officer Candidate School, and my basic officer course. He’s currently a first lieutenant about to make captain, and is going to take his wife and son to Germany to serve us. They are Texas residents and requested their absentee ballot in Texas two months ago. It has not yet arrived. In just a few weeks, they will make a transition into Germany where the likelihood

that they will receive their ballot is very low. For Evan, that's OK because he will be able to vote remotely; but if he lived in Michigan, his wife wouldn't be able to.

That's what we're talking about. We are talking about making sure that the people who sacrifice the most don't have to sacrifice their ability to vote. That's what it's like to be a military spouse or to be a military dependent—your parent sacrifices everything and you get almost nothing. We talk about service members and their commitment and the sacrifice that we make to wear our uniform and to do those things, and too often those individuals don't vote.

As we talk about how that's changed, in 2008, less than a quarter of military members were voting. I'll say that again—less than a quarter of military service members vote. That's because 75 percent of them vote absentee, often having incredibly difficult times receiving their ballots, being able to vote because of change in duty stations, because of movements, this is a very complicated issue. At Basic Training, I was helping a number of my platoon mates register to vote. Right now we have an opportunity not just to protect the men and women who wear our uniform and put their flag on their shoulder, but the families who sacrifice everything for them. Those are the people who are too often asked to make all the sacrifices. We don't make accommodation for licenses; we don't make accommodation for education training. Kids just pick up and move. Military brats just pick up and move. Even as we add in military spouses, we haven't done anything for the 19- or 20-year-old son, daughter, niece, or nephew who live with their parents. We haven't gone nearly far enough.

When we talk about the importance of a Common Access Card, it is not a standard across this country. It is something that was proposed in this legislation but it's not something that many states do. It's actually a rarity among states for them to require it. As we talk about best practices among states, using a Common Access Card is not one of those things. As we think about this moment, think about your constituents who have served. Think about the family members who are sending those people off and think about how you want them to be included in this process.

I ask from the bottom of my heart that you consider this legislation important and critical and making sure that the people who defend us, the people who support those who defend us, can vote in our election. As we talk about particularly a global pandemic going on, expecting the mail to be on time, to travel and arrive to a foreign country, to get back and for information to do so safely and securely, is a risk not worth taking. We've never seen anyone discuss the likelihood that service members or their dependents are committing mail fraud. These are people who spend every day of their lives dedicated to protecting us. We should spend a little bit more time protecting them and their rights as citizens.

By unanimous consent the Senate returned to the order of
Resolutions

Senator McBroom offered the following concurrent resolution:
Senate Concurrent Resolution No. 31.

A concurrent resolution to support the duly enacted election laws that ensure the integrity and efficient administration of our elections.

Whereas, Election laws must provide access to voting while also ensuring sound election administration and mitigating the risk of fraud. This is paramount to uphold the integrity of the electoral system; and

Whereas, The *Constitution of the United States*, in Article I, Section 4 and Article II, Section 1, vests state legislatures with the authority to prescribe election procedures for presidential and congressional elections; and

Whereas, The *Constitution of the State of Michigan of 1963* charges the Legislature with enacting laws on elections. Article II, Section 4 of the constitution states, in part:

Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting.

; and

Whereas, In accordance with the United States and Michigan constitutions, the Legislature enacted prudent laws aimed to produce organized, fair elections by prohibiting the paid transportation of able-bodied voters to the polls; limiting who may assist an absentee voter with their ballot; and setting the ballot receipt deadline on election day; and

Whereas, Two court rulings have declared that these laws cannot be enforced. On September 17, 2020, a U.S. District Court granted a preliminary injunction that will permit the paid transportation of voters to an

election. On September 18, 2020, the Michigan Court of Claims granted preliminary injunctive relief broadly opening up who may assist an absent voter with their ballot and set the receipt deadline for absentee ballots postmarked no later than one day before election day to 14 days after election day; and

Whereas, Permitting the paid transportation of voters to the polls creates opportunities for political groups to engage in quid pro quo crimes that affect votes; and

Whereas, Failing to limit who may assist citizens with their absentee ballots, especially in mass quantities, can increase fraud and diminish public confidence in election results. Through such ballot harvesting, political operatives entrusted with voters’ ballots could tamper with them or discard them; and

Whereas, Extending the absentee ballot receipt deadline past election day delays election results and causes severe and serious problems with election administration. It invites court battles and undermines confidence in the outcome of the election; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we support the duly enacted election laws that ensure the integrity and efficient administration of our elections; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Secretary of State, and the Attorney General.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator MacGregor moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Chang offered the following amendment:

- 1. Amend page 2, line 25, by striking out the balance of the page through “it” on line 8 of page 3.

The amendment was not adopted.

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 350

Yeas—15

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

Nays—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Excused—1

Ananich

Not Voting—0

In The Chair: Nesbitt

Senator Irwin offered the following amendment:

1. Amend page 3, following line 8, by inserting:

“Resolved, That the Michigan Senate commits to the selection of electors to the Electoral College that will be faithful to voting for the candidate with the most votes for President in Michigan as certified by Michigan election officials.”

The amendment was adopted.

Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 351

Yeas—37

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

Nays—0

Excused—1

Ananich

Not Voting—0

In The Chair: Nesbitt

The question being on the adoption of the concurrent resolution,

Senator MacGregor requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The concurrent resolution as amended was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 352

Yeas—22

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	MacGregor	Shirkey	Zorn
Johnson	McBroom		

Nays—14

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

Excused—1

Ananich

Not Voting—1

Hertel

In The Chair: Nesbitt

Protests

Senators Moss, Hollier, Wojno, Polehanki, McMorrow, Bullock, Chang, McCann, Santana, Brinks, Alexander, Geiss and Bayer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Concurrent Resolution No. 31.

Senators Moss and Geiss moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Moss’ statement, in which Senators Hollier, Wojno, Polehanki, McMorrow, Bullock, Chang, McCann, Santana, Brinks and Alexander concurred, is as follows:

I’m not going to be too long. I’m just going to point out some of the obvious deficiencies in this resolution and how it sits problematic with me that we’re taking a vote on the language in this resolution. I think the thesis of this resolution is that state legislatures have the authority to prescribe election procedures, that it decries court action. It says, inviting court battles undermines the confidence in the outcome of an election and ends with, that we support “duly enacted election laws.” Those are fine enough statements if they operate in a vacuum, but the very troubling history of this country and the struggle for voter rights find those statements problematic. We have a long history of vulnerable and targeted populations that have depended on court action for their enfranchisement. Grandfather clauses and literacy tests were struck down by court action. One person, one vote and districts of equal size were affirmed by court action. Wealth requirements for voting and poll taxes in state elections were thrown out by court action. So with that history in this country and the real sensitivity of people who have struggled to have their voice heard and their vote counted, I’m not comfortable making a statement that state election law is infallible, because sadly that flies in the face of voters and their struggle to affirm their enfranchisement in this country. And this particular case isn’t even fully adjudicated yet. There are going to be appeals. It’s going to continue on through the process.

So I have a problem with the thesis of the statement that we’re making here today and I think it’s very premature for the Senate to pass something like this when this particular court action is still going through the process. No disrespect to the sponsor of this resolution of course, but I’m not prepared here today to add my voice in support of this document.

Senator Geiss’ statement, in which Senator Bayer concurred, is as follows:

There are, with no disrespect to our colleague from the 38th District, I do also want to point out some places where there are flaws. There’s a section of our State Constitution that is referred to, on page 2 of the resolution. However, following that same section—article II of our State Constitution—is the phrase, “This subsection shall be liberally construed in favor of voters’ rights in order to effectuate its purposes.” I think

that's very clear because the point of the Stephens ruling is to make sure that voters' rights are preserved, especially given the time that we are in—the unprecedented time—where the potential for people to be disenfranchised is great. We need to make sure we are preserving the rights and enfranchisement of our residents.

Further, the 200 years of voting has changed a lot, especially when it comes to not only how votes are counted, when they're counted, the way people vote, who can vote, but when we get election results. All of us here in this room have been around since the dawn of television, since the dawn of being able to have that almost-instant gratification. Today, we even just click 'refresh' on our computers and our tablets and our phones for information that we are waiting to be updated on. There's absolutely nothing that requires us to have immediate gratification on the results. In fact, there's a great—history.com, I think it is—piece that talks about the history of election results. In 1958, NBC set the standard—set the standard—for election night results, and we have all become accustomed to that. We expect it, we anticipate it, we demand it. But the ruling that the judge gave makes it align with when those results need to be officially tabulated, need to be officially turned in. It aligns with existing election law.

Despite the fact that we really want to know right away, we need to make sure that our desire for wanting to know right away is not in conflict with ensuring that every person who has wanted to cast a vote has their vote actually counted, and that's the important work that we should be doing today.

Senators Chang, McBroom and Irwin asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Chang's statement is as follows:

After the August election, there were over 6,400 ballots that were rejected for having been received after Election Day. That means that 6,400 people mailed in their ballots believing that their voice was going to be heard and that their vote would be counted when, in fact, it was not.

Today I have an amendment that strikes the resolution language insinuating that a recent sound court ruling would allow voter fraud, quid pro quo crimes, and election problems. This is a false narrative that we should reject. The amendment does leave intact all the factual, correct information in the resolution.

In her ruling, Judge Cynthia Stephens said, "the unrefuted affidavits and documents compel the conclusion that, in light of delays attributable to the COVID-19 pandemic, mail delivery has become significantly compromised, and the risk for disenfranchisement when a voter returns an absentee ballot by mail is very real." Judge Stephens also noted that, "many voters were in fact deprived of having their absent voter ballot tallied in the August election." She also referenced a U.S. Office of Inspector General report that calls out Michigan as a state that puts voters at a high risk of disenfranchisement.

During this COVID-19 pandemic, we have faced unforeseen challenges on so many fronts, mail being just one of them. And for our voters who have underlying health risks or are sick at home, voting by mail is their safest and best option. Do you really want to deny them their voting rights? Judge Stephens' ruling will help ensure that every vote is counted, that our election is administered fairly, and that when all the votes are counted, Michiganders will be able to have increased confidence in our election results.

As a legislative body, we have taken very recent steps to ensure a fair and secure election by passing much-needed legislation. So it's truly disappointing that we are now also trying to send a signal that says we don't want all voters to have their vote count and that not everyone's voice matters. Instead, we should be applauding Judge Stephens' recent ruling, which is in fact absolutely critical to upholding the core of our democracy.

Senator McBroom's statement is as follows:

I have to take a little exception to the remarks that were just made that would directly insinuate that the language I chose to place in this resolution seeks to disenfranchise voters by removing or not supporting a current judicial decision that allows ballots to come in for up to 14 days after the election. That is a statement that is so profoundly insulting and derogatory towards the maker of this resolution that it's almost insufferable.

The fact of the matter is that to argue such a thing as the judge argues and as the maker of this amendment argues has no common point of reference than to say, When does it stop? Should it be three weeks? Should it be four weeks? Maybe we should wait two months. We don't know how long the mail will take. Maybe there will be one ballot that gets stuck in a machine somewhere and we'd better wait to make sure that we do that. Maybe we should send inspectors out to every single mail sorting machine in the whole country and get a certified letter that not a one of them is stuck in a voting machine or a mail machine. I mean, come on. Seriously, how much time do you need?

You have an enormous amount of time to collect an absentee ballot, an enormous amount of time to decide who to vote for, and to get it in the mail or to drive it there or find somebody else to drive it there for you or even to call your clerk on Election Day and say you need an emergency.

It's just so insulting to be accused of wanting to disenfranchise voters because I'm supporting keeping things the way they've been for 200-some years.

Senator Irwin's statement is as follows:

I rise to ask for your support on my amendment that resolves that the Michigan Senate will select faithful electors to the Electoral College who will be faithful to the winner of the popular vote here in Michigan. Now, it may seem odd that I am coming here to reaffirm state law—reaffirm a long-standing tradition of our country—but I offer this amendment because I believe now would be an excellent time for this body to remind the voters that we here in the Michigan Senate know that we serve at the pleasure of the governed. The sanctity of our elections is essential to maintain legitimacy, and while we may disagree—we've had some disagreement today—on the finer points of election management and security, there should be no disagreement that the winner of the election should be respected. Our constitutional republic depends on this legitimacy. The importance of our long tradition of a peaceful transfer of power to the certified winner of our elections transcends the importance of every one of us here in this room, and it transcends the importance of this Michigan Senate.

I invite you to support this amendment, and I hope that our actions today will increase voter confidence and decrease the chances for the kind of political violence that consumes nations, the kind of violence that our country has avoided for 170 years. I invite your support today.

Statements

Senator Hollier asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Hollier's statement is as follows:

Colleagues, I'd like to discuss a little bit about the really unfortunate series of events that happened yesterday around Breonna Taylor's death. Breonna Taylor was 26 years old, an aspiring nurse at the time of her death, she had been working as a certified medical technician. On March 13, shortly after 12:30 a.m., Louisville police executed a search warrant in a series of raids related to Breonna's ex-boyfriend, using a battering ram to enter her apartment. Fearful of an intruder, Breonna's boyfriend fired one shot, and in a series of return fire, 32 shots were fired back. Breonna was struck eight times and killed. Her boyfriend would initially be charged with attempted murder, but eventually the charges dropped.

I bring this up because we spend a lot of time talking about gun rights. We spend a lot of time talking about anger, and fear, and the government, and what you can and cannot do, and most people who have been protesting for more than 100 days are frustrated, are angry, are sad, are disgusted that this could happen any day. And as a matter of fact, has happened in Detroit, with young Aiyana Stanley-Jones. And I bring this up not to cause guilt, not to encourage everyone to be upset, but to say that, unlike the overwhelming majority of Michiganders, the 38 of us have an opportunity to change the system—a system that we know is broken, a system that we know does not work, because you can, at any moment, while at home, asleep with your loved ones, be fired upon. And in a situation where no one goes to prison, where no one is deemed at fault, no one is accused of murder, and no one stands for justice. As a Black man in America, that reality is all too real.

My very best friend while growing up was charged with premeditated murder while he was at home, on the phone with his girlfriend, with his mother asleep. Because one eyewitness said that they saw him, and could identify him from 50 feet away. Being a Black person in Michigan, in the U.S., you are never in the right place at the right time. At every moment, something could happen that could change your life fundamentally. I ask that we think about that, that we work on reforms that will change this, that will make it safe for you to, as people say, stand your ground, but just to live, to be at home safely, to not worry about if you have an alibi, to not worry if the police are coming in, to not worry if you need a firearm to defend yourself. Because that is not the reality that 10 million of our citizens deal with. That is not the reality that you live in. Because the only person who was found to have been left wanting, to have been endangered in this situation, were the three people in a nearby apartment, whose walls were shot, and whose reckless acts from the police officer were found recompense of a potential five-year term for each one of their lives, not to include, might I add, the pregnant woman and the fetus which would have been a fourth person. As we talk about these places, as we talk about life, as we talk about these moments, it has been abundantly clear

that Black lives matter differently, that we are counted differently, that we are protected differently. People a year ago, were not talking about these issues, and for the past more than 100 days, people have been saying, “Say her name”, say Breonna Taylor, we have learned so many more names, and across all of the country, people look out and say, “That’s not going to happen in my community.” Well, that’s what people in Kenosha, Wisconsin said. That’s what people in Louisville said. That’s what people all across this state, whether it be Georgia, or any other community, have said, “That won’t happen here.” And the only way that won’t happen in Michigan is if we act on real police reform legislation. If we change some of the systems that empower not only no-knock warrants, but the way we look at drug trafficking, the way we deal with policing, the way we deal with this entire system, and we have an opportunity to address that, this year, in lame duck. I ask that we do, because it can only happen if this is a bipartisan issue. Not a Republican issue, not a Democrat issue, not a Black or a white issue, but an issue where we think about how we value people’s lives.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 23:

House Bill Nos. 5770 6030 6031 6032 6101 6159

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 24:

House Bill Nos. 4098 5777 5844 5854 5855 5856 5857

The Secretary announced that the following bills were printed and filed on Wednesday, September 23, and are available on the Michigan Legislature website:

Senate Bill Nos. 1141 1142 1143

House Bill Nos. 6251 6252 6253 6254 6255 6256 6257 6258 6259

Committee Reports

The Committee on Regulatory Reform reported

Senate Bill No. 82, entitled

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

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

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Nays: None

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

The Committee on Regulatory Reform reported

Senate Bill No. 1055, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending sections 105 and 121 (MCL 389.105 and 389.121), as amended by 2012 PA 495.

With the recommendation that the bill pass.

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, Zorn and Polehanki

Nays: Senators VanderWall and Moss

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

Senate Bill No. 991, entitled

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

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.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Nays: None

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

The Committee on Regulatory Reform reported

Senate Bill No. 293, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 411 (MCL 339.411), as amended by 2014 PA 265.

With the recommendation that the bill pass.

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

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, September 22, 2020, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

The Committee on Natural Resources reported

House Bill No. 4313, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 43525c.

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.

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. 4792, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 21106 (MCL 324.21106).

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.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman and Schmidt

Nays: Senator McCann

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, September 23, 2020, at 8:00 a.m., Room 1100, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Wednesday, September 23, 2020, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Lucido, Theis, MacDonald and Irwin

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Wednesday, September 23, 2020, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Lauwers (C), Horn, Barrett, Bumstead, Outman, McCann, Brinks and McMorrow

Excused: Senators LaSata and Nesbitt

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, September 23, 2020, at 12:00 noon, Room 403, 4th Floor, Capitol Building

Present: Senators Runestad (C), Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Wednesday, September 23, 2020, at 3:30 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Lucido (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Scheduled Meetings

Appropriations – Wednesday, September 30, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

COVID-19 Pandemic Joint Select – Wednesday, September 30, 8:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

Senator MacGregor moved that the Senate adjourn.

The motion prevailed, the time being 6:08 p.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, September 29, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

