

No. 2
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Tuesday, January 26, 2021.

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

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

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

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

Dear Father, we thank You for bringing us together, for giving us these opportunities to work for Your people in the state of Michigan. Father, I pray that You would guide us and help us in these difficult times. That You would be merciful to us and grant us wisdom and understanding that we don't deserve, but we certainly need. Father, help all of Your people in this state and in this nation and in this time. Grant us patience and understanding and open ears that listen. Father, help us to hear through all of the noise and people telling us what's right and what's wrong. And help us especially around those who tell us that they know what You are doing and what You ought to do and seek to dictate Your will. Help us to listen for You and to count on Your unchanging word, Your unchanging nature, Your gifts of goodness, righteousness, holiness, peace, love, patience, faithfulness, and gentleness. Father, help us in these times to seek all of these good things that come from You. Help us to seek to share them with each other. Father, I pray that You would give us this mercy that we don't deserve in these days and that You would pour it out on this state. That You would pour it out on Your people. That You would redeem us from the plague of this virus and that You would redeem us from our own machinations and evil doings so that we, Your servants in this government, might seek a government that promotes righteousness, condones what is good, punishes evil, and seeks justice for Your people.

I pray these things in Jesus' name. Amen.

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

Senator Schmidt entered the Senate Chamber.

Motions and Communications

Senator LaSata moved that Senators Lauwers and Barrett be excused from today's session. The motion prevailed.

Senator Hertel moved that Senators Chang, Hollier and Moss be temporarily excused from today's session. The motion prevailed.

Senator Hertel moved that Senators Ananich, Alexander, McMorrow and Geiss be excused from today's session. The motion prevailed.

The following communication was received and read:
Office of the Senate Majority Leader

January 19, 2021

The Michigan Senate due to safety concerns canceled session on the following days:
January 19th, 2021
January 20th, 2021
January 21st, 2021

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Mike Shirkey
Senate Majority Leader
Michigan's 16th Senate District

The communication was referred to the Secretary for record.

The following communication was received and read:
Office of the Senate Majority Leader

January 26, 2021

Pursuant to Senate Rule 1.105, I hereby announce the following appointments of Senators to Appropriations subcommittees for this, the 101st Legislature:

Agriculture and Rural Development: Sen. Victory (Chair), Sen. Daley (Vice Chair), Sen. McCann (Minority Vice Chair).

Capital Outlay: Sen. Horn (Chair), Sen. LaSata (Vice Chair), Sen. Zorn, Sen. Runestad, Sen. Schmidt, Sen. Santana (Minority Vice Chair), Sen. Hertel, Sen. McCann.

Community Health/Human Services: Sen. Outman (Chair), Sen. Bizon (Vice Chair), Sen. Daley, Sen. LaSata, Sen. MacDonald, Sen. Schmidt, Sen. Santana (Minority Vice Chair), Sen. Irwin, Sen. Brinks, Sen. Hollier.

Corrections and Judiciary: Sen. Bizon (Chair), Sen. Runestad (Vice Chair), Sen. Hollier (Minority Vice Chair).

General Government: Sen. Victory (Chair), Sen. Bumstead (Vice Chair), Sen. MacDonald, Sen. Irwin (Minority Vice Chair).

K-12 and Michigan Department of Education: Sen. Schmidt (Chair), Sen. Outman (Vice Chair), Sen. Bumstead, Sen. Daley, Sen. Theis, Sen. Bayer (Minority Vice Chair), Sen. Polehanki.

Labor and Economic Opportunity/MEDC: Sen. Horn (Chair), Sen. Schmidt (Vice Chair), Sen. Hertel (Minority Vice Chair).

Licensing and Regulatory Affairs (LARA)/Department of Insurance and Financial Services (DIFS): Sen. Nesbitt (Chair), Sen. MacDonald (Vice Chair), Sen. Santana (Minority Vice Chair).

Military and Veterans Affairs/State Police: Sen. Barrett (Chair), Sen. Runestad (Vice Chair), Sen. Hollier (Minority Vice Chair).

Natural Resources and Environment, Great Lakes, and Energy: Sen. Bumstead (Chair), Sen. Bizon (Vice Chair), Sen. Victory, Sen. McCann (Minority Vice Chair), Sen. Bayer.

Transportation: Sen. Schmidt (Chair), Sen. Victory (Vice Chair), Sen. MacDonald, Sen. Zorn, Sen. Hollier (Minority Vice Chair), Sen. Bayer.

Universities and Community Colleges: Sen. LaSata (Chair), Sen. Horn (Vice Chair), Sen. Bizon, Sen. MacDonald, Sen. Zorn, Sen. Irwin (Minority Vice Chair), Sen. Hertel

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Mike Shirkey
Senate Majority Leader
Michigan’s 16th Senate District

The appointments were approved, a majority of the members serving voting therefor.
The communication was referred to the Secretary for record.

Senator Chang entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

November 10, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-102-NR (Secretary of State Filing #20-11-02) on this date at 11:20 a.m. for the Department of Natural Resources entitled, “Special Local Watercraft Controls.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 23, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Emergency Administrative Rule #2020-215-LR (Secretary of State Filing #20-11-03) on this date at 11:36 a.m. for the Department of Licensing and Regulatory Affairs entitled, “Emergency Rule Amending R 484.803, R 484.804, and R 484.805.”

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

December 2, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-009-TY (Secretary of State Filing #20-12-01) on this date at 1:19 p.m. for the Department of Treasury entitled, “Internet Sports Betting Rules.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 2, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-010-TY (Secretary of State Filing #20-12-02) on this date at 1:19 p.m. for the Department of Treasury entitled, "Internet Gaming Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 10, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-031-LR (Secretary of State Filing #20 12-03) on this date at 1:43 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Professional Engineers – General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 10, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-139-LR (Secretary of State Filing #20-12-04) on this date at 1:45 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Ski Area Safety – General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 10, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-124-LR (Secretary of State Filing #20-12-05) on this date at 1:43 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Responsibilities of Providers of Basic Local Exchange."

These rules become effective on March 21, 2021.

December 18, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-136-IF (Secretary of State Filing #20-12-06) on this date at 2:18 p.m. for the Department of Insurance and Financial Services entitled, "Utilization Review."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 18, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-083-NR (Secretary of State Filing #20-12-07) on this date at 3:16 p.m. for the Department of Natural Resources entitled, "Leasing State-Owned Oil and Gas Rights."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 22, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2018-039-LR (Secretary of State Filing #20-12-08) on this date at 3:15 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Pharmacy – General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 22, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-022-LR (Secretary of State Filing #20-12-09) on this date at 3:10 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Pharmacy – Pharmacist Continuing Education."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 22, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-103-LR (Secretary of State Filing #20-12-10) on this date at 3:14 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Sanitarians Registration – General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 22, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-135-LR (Secretary of State Filing #20-12-11) on this date at 3:14 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Public Health Code – General Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 22, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-141-LR (Secretary of State Filing #20-12-12) on this date at 3:14 p.m. for the Department of Licensing and Regulatory Affairs entitled, "Occupational Code Renewals."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 22, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-019-TY (Secretary of State Filing #20-12-13) on this date at 3:14 p.m. for the Department of Treasury entitled, "Specific Sales and Use Tax Rules."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 30, 2020

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Emergency Administrative Rule #2020-216-AC (Secretary of State Filing #20-12-14) on this date at 2:30 p.m. for the Department of Agriculture and Rural Development entitled, "Emergency Rule Amending Rule 7, R 285.636.7."

These rules take effect upon filing with the Secretary of State and shall remain in effect until June 30, 2021.

Sincerely,
Jocelyn Benson
Secretary of State
Melissa Malerman, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received on January 14, 2021, and read:

EXECUTIVE ORDER
No. 2021-1

**Michigan Council for Rehabilitation Services
Department of Labor and Economic Opportunity**

Executive Reorganization

The Michigan Council for Rehabilitation Services was created by Executive Order 2012-10(V). The composition of the Council is governed by federal law, which includes the requirement that the Council include at least one representative of the state’s workforce development board. 29 U.S.C § 725(b)(1)(B)(xii). In 2012, when the Michigan Council for Rehabilitation Services was formed, the Talent Investment Board served as Michigan’s workforce development board. Therefore, the order establishing the Michigan Council for Rehabilitation Services required that its membership include a representative from the Talent Investment Board. EO 2012-10(V)(B)(1)(g).

In 2018, the workforce development board designation was transferred to the Future Talent Council when the Talent Investment Board was renamed. EO 2018-13(I)(A). An executive order was later issued specifying that the membership of the Michigan Council for Rehabilitation Services must include a representative of the Future Talent Council. EO 2019-3(6)(a)(3). In 2020, the workforce development board designation was again transferred, now to the Michigan Workforce Development Board. EO 2020-107(1)(a). When the Workforce Development Board was created, the establishing order did not update the requirements regarding the Michigan Council for Rehabilitation Services.

This order updates the membership requirements for the Michigan Council for Rehabilitation Services to include one representative of the Michigan Workforce Development Board, as required by federal law.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Michigan Council for Rehabilitation Services must include as a member one individual representing the Workforce Development Board, as created by EO 2020-107.

2. EO 2019-13, section 6.a.3, is rescinded.

Date: January 14, 2021

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

The following messages from the Governor were received and read:

January 19, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Article II § 7 of the Michigan Constitution of 1963 and Public Act 116 of 1954, MCL 168.22, 168.22a, and 168.22b:

Board of State Canvassers

Ms. Jeannette L. Bradshaw of 1947 Kent Road, Ortonville, Michigan 48462, county of Oakland, reappointed to represent Democrats, for a term commencing February 1, 2021 and expiring January 31, 2025.

Mr. Anthony R. Daunt of 3470 Parkwood Drive, DeWitt, Michigan 48820, county of Clinton, succeeding Aaron Van Langevelde whose term expires January 31, 2021, appointed to represent Republicans, for a term commencing February 1, 2021 and expiring January 31, 2025.

January 22, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Article V § 3 of the Michigan Constitution of 1963:

Director of the Department of Health and Human Services

Ms. Elizabeth Hertel of 1860 Boxwood Lane, East Lansing, Michigan 48823, county of Ingham, succeeding Robert Gordon, appointed for a term commencing January 22, 2021 and expiring at the pleasure of the Governor.

Respectfully,
Gretchen Whitmer
Governor

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

Resolutions

Senators Hollier, Geiss, Wojno, Moss, Chang, Santana, Hertel, Bayer, Polehanki and McMorrow offered the following resolution:

Senate Resolution No. 3.

A resolution to condemn the attempted coup to overturn the 2020 presidential election at the U.S. Capitol and state emphatically that there is no place for further undermining the 2020 November election with baseless conspiracy theories.

Whereas, The peaceful transfer of power is a cornerstone of the United States of America. The fabric of our democracy, stability of our country, and continued progress of our nation require adherence to this principle; and

Whereas, On January 6, 2021, in what is usually a ceremonial affair, a joint session of Congress gathered to count the Electoral College votes and affirm the victory of Joe Biden as president was interrupted by a group of terrorists looking to take control of the U.S. Capitol Building. The insurrection resulted in the deaths of five people, including an officer of the U.S. Capitol Police. Moreover, dozens of U.S. Capitol Police officers and others were injured. The violence also left a wake of damage and destruction in our hallowed Capitol; and

Whereas, At a political rally earlier on that day, President Donald Trump, who has continually sought to invalidate our duly held election, encouraged attendees to march to the U.S. Capitol Building in protest of the Electoral College vote certification. The inflammatory speech included false claims of voter fraud in Michigan, with an eye toward wrongly challenging the clear and convincing decision of Michigan voters to award the state's electoral votes to Joe Biden. In this rally and throughout past rallies, President Trump's harmful rhetoric and unsubstantiated, conspiratorial allegations of election fraud and irregularities have provided fuel for hate and violence; and

Whereas, Leaders across the country must unite to denounce the terror brought to our Capitol and move the country forward peacefully; now, therefore, be it

Resolved by the Senate, That we condemn the attempted coup to overturn the 2020 presidential election at the U.S. Capitol and state emphatically that there is no place for further undermining the 2020 November election with baseless conspiracy theories; and be it further

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

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Geiss, Hollier, Hertel, Bayer and McMorrow offered the following resolution:

Senate Resolution No. 4.

A resolution to censure Senators John Bizon, Tom Barrett, Kevin Daley, Kim LaSata, Dan Lauwers, Rick Outman, Jim Runestad, Lana Theis, Curt VanderWall, Roger Victory, and Dale Zorn and condemn their efforts to undermine American elections.

Whereas, On January 4, 2021, Senators John Bizon, Tom Barrett, Kevin Daley, Kim LaSata, Dan Lauwers, Rick Outman, Jim Runestad, Lana Theis, Curt VanderWall, Roger Victory, and Dale Zorn submitted a letter to Congress and the Vice President of the United States to request that the Joint Session of Congress investigate the credibility of the November election results; and

Whereas, In signing this letter, the Senators actively fueled baseless claims of election fraud, which have been universally debunked and disproven. They have undercut faith in our institutions through their blatantly unjustified dismissal of the security and accuracy of election outcomes in Michigan and other states; and

Whereas, In calling on Congress to investigate the credibility of the November 2020 election in this manner, the Senators who signed the request were asking members of Congress to obstruct the peaceful and orderly transition of power. Congress' role in counting the Electoral College votes is ministerial under the U.S. Constitution and federal law; and

Whereas, The Senators contributed to the atmosphere that led to the violent insurrection at the U.S. Capitol during the Electoral College vote count on January 6, 2021. The Senators' letter was part of a broader and dangerous campaign to overturn the will of the American people. The riot at the U.S. Capitol resulted in physical and emotional injury, caused significant destruction of public property, led to a shaken faith in the stability of our democracy at home, and dealt an enormous blow to the nation's reputation abroad. The months-long effort to delegitimize the election has also distracted from the important work of responding to the COVID-19 Pandemic and taken important resources and attention away from our state's efforts to combat this public health crisis; and

Whereas, Article XI, Section 1 of the *Constitution of the State of Michigan of 1963* provides:

All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

; and

Whereas, Rule 1.301 of the Standing Rules of the Senate provides:

Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.

; and

Whereas, Rule 1.311 of the Standing Rules of the Senate provides, in part:

A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled.

; and

Whereas, Senators Bizon, Barrett, Daley, LaSata, Lauwers, Outman, Runestad, Theis, VanderWall, Victory, and Zorn failed to meet the high standards of conduct expected of their office by the people of Michigan. Their participation in efforts to undermine the democratic process are clear violations of their oaths of office and the Standing Rules of the Senate; and

Whereas, This legislative body must send a clear signal that efforts to undermine the democratic process and obstruct the will of the American people through baseless and disproven allegations of fraud are wholly unacceptable and should be met with the strongest possible condemnation; now, therefore, be it

Resolved by the Senate, That Senator John Bizon of the Nineteenth Senate District; Senator Tom Barrett of the Twenty-fourth Senate District; Senator Kevin Daley of the Thirty-first Senate District; Senator Kim LaSata of the Twenty-first Senate District; Senator Dan Lauwers of the Twenty-fifth Senate District; Senator Rick Outman of the Thirty-third Senate District; Senator Jim Runestad of the Fifteenth Senate District; Senator Lana Theis of the Twenty-second Senate District; Senator Curt VanderWall of the Thirty-fifth Senate District; Senator Roger Victory of the Thirtieth Senate District; and Senator Dale Zorn of the Seventeenth Senate District are hereby censured; and be it further

Resolved, That we condemn their efforts to undermine American elections; and be it further

Resolved, That copies of this resolution be transmitted to Senators Bizon, Barrett, Daley, LaSata, Lauwers, Outman, Runestad, Theis, VanderWall, Victory, and Zorn.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Shirkey offered the following resolution:

Senate Resolution No. 5.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate be hereby amended to read as follows:

2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Advise and Consent (4 members)

Agriculture (5 members)

Appropriations (18 members)

Economic and Small Business Development (9 members)

Education and Career Readiness (6 members)

Elections (4 members)

Energy and Technology (12 members)

Environmental Quality (67 members)

Families, Seniors, and Veterans (7 members)

Finance (7 members)

Government Operations (5 members)

Health Policy and Human Services (10 members)

Insurance and Banking (9 members)

Judiciary and Public Safety (7 members)

Local Government (5 members)

Natural Resources (5 members)

Oversight (4 members)

Regulatory Reform (9 members)

Transportation and Infrastructure (9 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Library of Michigan Board of Trustees (1 member) (see MCL 397.14)

Michigan Commission on Uniform State Laws (2 members) (see MCL 4.1301)

Michigan Council on Future Mobility (2 members) (see MCL 257.665)

Michigan Law Revision Commission (2 members) (see MCL 4.1401)

Senate Fiscal Agency Board of Governors (5 members) (see MCL 4.1501).

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

Senator LaSata moved that the rule be suspended.

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

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

Senators Hollier, Geiss, Moss, Wojno, Chang, Santana, Hertel, Bayer and Polehanki offered the following concurrent resolution:

Senate Concurrent Resolution No. 3.

A concurrent resolution to condemn the attempted coup to overturn the 2020 presidential election at the U.S. Capitol and state emphatically that there is no place for further undermining the 2020 November election with baseless conspiracy theories.

Whereas, The peaceful transfer of power is a cornerstone of the United States of America. The fabric of our democracy, stability of our country, and continued progress of our nation require adherence to this principle; and

Whereas, On January 6, 2021, in what is usually a ceremonial affair, a joint session of Congress gathered to count the Electoral College votes and affirm the victory of Joe Biden as president was interrupted by a group of terrorists looking to take control of the U.S. Capitol Building. The insurrection resulted in the deaths of five people, including an officer of the U.S. Capitol Police. Moreover, dozens of U.S. Capitol Police officers and others were injured. The violence also left a wake of damage and destruction in our hallowed Capitol; and

Whereas, At a political rally earlier on that day, President Donald Trump, who has continually sought to invalidate our duly held election, encouraged attendees to march to the U.S. Capitol Building in protest of

the Electoral College vote certification. The inflammatory speech included false claims of voter fraud in Michigan, with an eye toward wrongly challenging the clear and convincing decision of Michigan voters to award the state's electoral votes to Joe Biden. In this rally and throughout past rallies, President Trump's harmful rhetoric and unsubstantiated, conspiratorial allegations of election fraud and irregularities have provided fuel for hate and violence; and

Whereas, Leaders across the country must unite to denounce the terror brought to our Capitol and move the country forward peacefully; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we condemn the attempted coup to overturn the 2020 presidential election at the U.S. Capitol and state emphatically that there is no place for further undermining the 2020 November election with baseless conspiracy theories; and be it further

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

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Geiss, Hollier, Hertel and Bayer offered the following concurrent resolution:

Senate Concurrent Resolution No. 4.

A concurrent resolution to censure Senators John Bizon, Tom Barrett, Kevin Daley, Kim LaSata, Dan Lauwers, Rick Outman, Jim Runestad, Lana Theis, Curt VanderWall, Roger Victory, and Dale Zorn and condemn their efforts to undermine American elections.

Whereas, On January 4, 2021, Senators John Bizon, Tom Barrett, Kevin Daley, Kim LaSata, Dan Lauwers, Rick Outman, Jim Runestad, Lana Theis, Curt VanderWall, Roger Victory, and Dale Zorn submitted a letter to Congress and the Vice President of the United States to request that the Joint Session of Congress investigate the credibility of the November election results; and

Whereas, In signing this letter, the Senators actively fueled baseless claims of election fraud, which have been universally debunked and disproven. They have undercut faith in our institutions through their blatantly unjustified dismissal of the security and accuracy of election outcomes in Michigan and other states; and

Whereas, In calling on Congress to investigate the credibility of the November 2020 election in this manner, the Senators who signed the request were asking members of Congress to obstruct the peaceful and orderly transition of power. Congress' role in counting the Electoral College votes is ministerial under the U.S. Constitution and federal law; and

Whereas, The Senators contributed to the atmosphere that led to the violent insurrection at the U.S. Capitol during the Electoral College vote count on January 6, 2021. The Senators' letter was part of a broader and dangerous campaign to overturn the will of the American people. The riot at the U.S. Capitol resulted in physical and emotional injury, caused significant destruction of public property, led to a shaken faith in the stability of our democracy at home, and dealt an enormous blow to the nation's reputation abroad. The months-long effort to delegitimize the election has also distracted from the important work of responding to the COVID-19 Pandemic and taken important resources and attention away from our state's efforts to combat this public health crisis; and

Whereas, Article XI, Section 1 of the *Constitution of the State of Michigan of 1963* provides:

All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust.

; and

Whereas, Rule 1.301 of the Standing Rules of the Senate provides:

Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.

; and

Whereas, Rule 1.311 of the Standing Rules of the Senate provides, in part:

A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled.

; and

Whereas, Senators Bizon, Barrett, Daley, LaSata, Lauwers, Outman, Runestad, Theis, VanderWall, Victory, and Zorn failed to meet the high standards of conduct expected of their office by the people of

Michigan. Their participation in efforts to undermine the democratic process are clear violations of their oaths of office and the Standing Rules of the Senate; and

Whereas, The Legislature must send a clear signal that efforts to undermine the democratic process and obstruct the will of the American people through baseless and disproven allegations of fraud are wholly unacceptable and should be met with the strongest possible condemnation; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Senator John Bizon of the Nineteenth Senate District; Senator Tom Barrett of the Twenty-fourth Senate District; Senator Kevin Daley of the Thirty-first Senate District; Senator Kim LaSata of the Twenty-first Senate District; Senator Dan Lauwers of the Twenty-fifth Senate District; Senator Rick Outman of the Thirty-third Senate District; Senator Jim Runestad of the Fifteenth Senate District; Senator Lana Theis of the Twenty-second Senate District; Senator Curt VanderWall of the Thirty-fifth Senate District; Senator Roger Victory of the Thirtieth Senate District; and Senator Dale Zorn of the Seventeenth Senate District are hereby censured; and be it further

Resolved, That we condemn their efforts to undermine American elections; and be it further

Resolved, That copies of this resolution be transmitted to Senators Bizon, Barrett, Daley, LaSata, Lauwers, Outman, Runestad, Theis, VanderWall, Victory, and Zorn.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senate Concurrent Resolution No. 1.

A concurrent resolution granting authority for adjournment for more than 2 days.

(For text of resolution, see Senate Journal No. 1, p. 28.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 2.

A concurrent resolution for the adoption of the Joint Rules of the Senate and House of Representatives.

(For text of resolution, see Senate Journal No. 1, p. 28.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senator Hollier introduced

Senate Bill No. 30, entitled

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

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

Senator MacDonald introduced

Senate Bill No. 31, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2017 PA 67.

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

Senators MacDonald and Wojno introduced

Senate Bill No. 32, 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, and by adding section 10i.

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

Senators Runestad, Barrett, MacDonald, Daley, Victory, Bumstead, Johnson, Outman, McBroom and VanderWall introduced

Senate Bill No. 33, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20199, 21702, and 21703 (MCL 333.20199, 333.21702, and 333.21703), section 21702 as amended by 1994 PA 73 and section 21703 as amended by 2015 PA 155, and by adding sections 21788, 21788a, 21788b, 21788c, 21788d, 21788e, 21788f, 21788g, and 21788h.

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

Senators Bayer, Polehanki, Hollier, Moss, Chang, Brinks, Geiss, Wojno, McMorrow, McCann, Irwin and Santana introduced

Senate Bill No. 34, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 234d (MCL 750.234d), as amended by 1994 PA 158.

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

Senators Polehanki, Bayer, Hollier, Moss, Chang, Brinks, Geiss, Wojno, McMorrow, McCann, Irwin and Santana introduced

Senate Bill No. 35, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5o (MCL 28.425o), as amended by 2017 PA 95.

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

Senator Hollier entered the Senate Chamber.

Senator Stamas introduced

Senate Bill No. 36, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 37, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Stamas introduced

Senate Bill No. 38, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; and to provide for the expenditure of the appropriations.

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

Senator Victory introduced

Senate Bill No. 39, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 21 (MCL 224.21), as amended by 1996 PA 23.

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

Senator Victory introduced

Senate Bill No. 40, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending the title and section 2 (MCL 15.182).

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

Senator Victory introduced

Senate Bill No. 41, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1606 (MCL 324.1606), as amended by 2000 PA 414.

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

Senator Moss entered the Senate Chamber.

Senator Victory introduced

Senate Bill No. 42, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 10 (MCL 125.1510), as amended by 2016 PA 409.

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

Senator Victory introduced
Senate Bill No. 43, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending section 2 (MCL 691.1402), as amended by 2012 PA 50.

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

Senator Victory introduced
Senate Bill No. 44, entitled

A bill to prohibit an employer from discriminating against, disciplining, or discharging an employee who is absent from work to respond to an emergency as an emergency responder; and to provide remedies for a violation of this act.

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

Senator McMorrow introduced
Senate Bill No. 45, 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.

Senator Nesbitt introduced
Senate Bill No. 46, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 9p.

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

Announcements of Printing and Enrollment

The Secretary announced that the following bills, joint resolutions, and resolutions were printed and filed on Wednesday, January 13, and are available on the Michigan Legislature website:

Senate Bill Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13
	14	15	16	17	18	19	20	21	22	23	24	25	26
	27	28	29										
Senate Joint Resolutions	A	B											
Senate Concurrent Resolutions Nos.				1	2								
Senate Resolutions Nos.	1	2											
House Bill Nos.	4001	4002											
House Joint Resolution	A												

Scheduled Meetings

Education and Career Readiness – Thursday, January 28, 9:00 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5314

Families, Seniors, and Veterans – Wednesday, January 27, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

Local Government – Thursday, January 28, 2:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator LaSata moved that the Senate adjourn.
The motion prevailed, the time being 10:19 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, January 27, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

