

No. 3
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Wednesday, January 27, 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—present
Ananich—present
Barrett—excused
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present

Hollier—excused
Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
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 Sean McCann of the 20th District offered the following invocation:

Colleagues, some favorite words of mine from Rabindranath Tagore: “I slept and dreamt that life was joy. I awoke and saw that life was service. I acted and beheld, service was joy.”

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

Senator Geiss entered the Senate Chamber.

Motions and Communications

Senator Lauwers moved that Senator Barrett be excused from today’s session.
The motion prevailed.

Senator Chang moved that Senator Bullock be temporarily excused from today’s session.
The motion prevailed.

Senator Chang moved that Senators Hollier and McMorrow be excused from today’s session.
The motion prevailed.

The following communication was received and read:
Office of the Auditor General

January 25, 2021

Enclosed is a copy of the following report:

- Report on Internal Control, Compliance, and Other Matters for the State Sponsored Group Insurance Fund Fiscal Year Ended September 30, 2020 (071-0143-21).

Sincerely,
Doug Ringle
Auditor General

The audit report was referred to the Committee on Oversight.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:03 a.m.

10:53 a.m.

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

During the recess, Senator Bullock entered the Senate Chamber.

Resolutions

Senators LaSata, Victory, Theis, Johnson, Nesbitt, Daley, Runestad, MacDonald and VanderWall offered the following resolution:

Senate Resolution No. 6.

A resolution to recognize January 31-February 6, 2021, as Catholic Schools Week.

Whereas, There are 49,646 students attending 219 Catholic elementary and high schools throughout our great state; and

Whereas, The Constitution of Michigan states that, “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged”; and

Whereas, Catholic school parents pay tuition in addition to supporting their local public schools through their taxes; and

Whereas, Catholic schools comply with the same health, safety, and general welfare regulations required of public schools; and

Whereas, Taking into account Michigan's minimum public school foundation allowance of \$8,111 per pupil, Catholic schools save taxpayers more than \$402 million in state spending annually; and

Whereas, Catholic schools instill a broad, values-based education, emphasizing the lifelong development of moral, intellectual, and social values in young people, making them responsible citizens of our state and nation; and

Whereas, Catholic schools educate many students who are non-Catholic and economically disadvantaged, identifying that a good education remains the single best way out of poverty; and

Whereas, With their traditionally high academic standards, high graduation rates, and commitment to community service, Catholic schools and their graduates make a positive contribution to society; and

Whereas, January 31-February 6, 2021, has been designated as Catholic Schools Week, with the theme "Catholic Schools: Faith. Excellence. Service." as denoted by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

Whereas, The common good of the state of Michigan is strengthened through the continued existence of Catholic schools; and

Whereas, Catholic schools provided nearly uninterrupted instruction to their students during state-mandated pandemic school building closures; and

Whereas, Catholic schools create a supportive partnership with each student's family, while also encouraging parental involvement in their children's education, so that Catholic students form productive lives that benefit future generations; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize January 31-February 6, 2021, as Catholic Schools Week; and be it further

Resolved, That we support the continued dedication of Catholic schools across Michigan toward academic excellence and the key role Catholic schools play in promoting and ensuring a brighter, stronger future for students; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.

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

Senator Lauwers moved that the rule be suspended.

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

The resolution was adopted.

Senator Horn was named co-sponsor of the resolution.

Senators Zorn, Daley, Theis, Runestad, Bizon, MacDonald, Nesbitt, Bumstead and VanderWall offered the following resolution:

Senate Resolution No. 7.

A resolution to urge the Governor and the Michigan Department of Health and Human Services to lift the suspension on high school sports and allow play to resume immediately.

Whereas, The COVID-19 Pandemic has upended nearly every aspect of the public and private lives of people in Michigan and across the world. The disruption of school closures in particular has had a devastating impact on students as they grapple with academic challenges and suffer from a lack of social and emotional benefits that traditional in-person schooling provides; and

Whereas, In response to the Pandemic, the Governor and the Michigan Department of Health and Human Services (MDHHS) have ordered various suspensions of both contact and non-contact high school sports for different lengths of time. Most recently, MDHHS announced that winter sports, including competitive cheer, wrestling, and boys and girls basketball, will be suspended until February 21st – a full month after the previous suspension was set to expire; and

Whereas, While the order is intended to be in the best interests of the students, these types of prohibitions ignore other very serious harms that students are facing from the continued suspension of high school sports. As a result of school closures, students are suffering from crippling isolation which is severely harming their mental health. According to a national survey of more than 3,000 high school and college students regarding coronavirus, 87 percent reported stress and anxiety, while 57 percent reported that their mental health had worsened. In addition, experts are concerned about potential increases in youth suicide and argue that it is critically important for teenagers to have regular contact with their peers. Allowing students to participate in high school sports would help reduce social isolation and could significantly improve their mental health; and

Whereas, There is little data available that demonstrates why the continued suspension of high school sports is necessary. According to the Executive Director of the Michigan High School Athletic Association, the negative rate for over 30,000 rapid Covid-19 tests conducted over the last three months with fall sports was 99.8 percent. Furthermore, without school sports, students will seek outside activities through club sports, which could potentially lead to a larger spread of the virus as students travel to various locations. In addition, other neighboring states have allowed their students to participate in winter sports for several weeks without any significant Covid-19 outbreaks; now, therefore, be it

Resolved by the Senate, That we urge the Governor and the Michigan Department of Health and Human Services to lift the suspension on high school sports and allow play to resume immediately; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of Michigan and the Director of the Michigan Department of Health and Human Services.

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

Senator Lauwers 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 resolution,

Senator Lauwers moved that the resolution be referred to the Committee on Education and Career Readiness.

The motion prevailed

Senators Bullock, Horn and LaSata were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Irwin, Chang and Moss introduced

Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IX, to provide for a graduated state income tax.

The joint resolution was read a first and second time by title and referred to the Committee on Finance.

Senator Moss introduced

Senate Bill No. 47, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20138 and 20140 (MCL 324.20138 and 324.20140), section 20138 as amended by 1995 PA 71 and section 20140 as amended by 2000 PA 254.

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

Senators LaSata, Victory, Theis, Johnson, Nesbitt, Daley, MacDonald and VanderWall introduced

Senate Bill No. 48, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2091) by adding section 110.

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

Senators LaSata, Victory, Johnson, Nesbitt, Daley, Runestad, MacDonald and VanderWall introduced

Senate Bill No. 49, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 536 (MCL 436.1536), as amended by 2020 PA 126.

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

Senators MacDonald and Wojno introduced

Senate Bill No. 50, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 49 and 50 (MCL 750.49 and 750.50), section 49 as amended by 2019 PA 176 and section 50 as amended by 2019 PA 135.

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

Senators Wojno and MacDonald introduced

Senate Bill No. 51, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2018 PA 652.

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

Senators Hertel, Santana, Bullock, Hollier, Chang, Brinks, Wojno, Polehanki, McCann and Geiss introduced

Senate Bill No. 52, 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.

Senators Chang, Hollier, Wojno, Santana, Moss, Bullock, Polehanki, Irwin, Geiss and Brinks introduced

Senate Bill No. 53, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 867, 871, 874, and 881 (MCL 168.867, 168.871, 168.874, and 168.881), sections 867 and 881 as amended by 2018 PA 130, section 871 as amended by 2012 PA 272, and section 874 as amended by 1995 PA 261.

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

Senators Chang, Hollier, Santana, Wojno, Bullock, Polehanki, Irwin, Geiss and Brinks introduced

Senate Bill No. 54, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 5534.

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

Senator Horn introduced

Senate Bill No. 55, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay purposes 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 Horn introduced

Senate Bill No. 56, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1248 and 1249 (MCL 380.1248 and 380.1249), section 1248 as added by 2011 PA 102 and section 1249 as amended by 2019 PA 6.

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

Senator Horn introduced

Senate Bill No. 57, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1249b and 1250 (MCL 380.1249b and 380.1250), section 1249b as amended by 2019 PA 5 and section 1250 as amended by 2018 PA 601.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Nesbitt moved that the Committee on Advice and Consent be discharged from further consideration of the following appointments:

Child Abuse and Neglect Prevention Board (“Children’s Trust Fund”)

Ms. Kristin Totten of 2442 Ramblewood Drive, Kalamazoo, Michigan 49009, county of Kalamazoo, succeeding Kathleen Trott whose term has expired, appointed to represent the legal community, for a term commencing December 21, 2020 and expiring December 19, 2023.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2579.)

Director of the Office of Children’s Ombudsman

Ms. Suzanna Shkreli of 5978 Blackberry Lane, Clarkston, Michigan 48348, county of Oakland, succeeding Judge Lisa McCormick, appointed for a term commencing January 4, 2021 and expiring at the pleasure of the Governor.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2579.)

Rural Development Fund Board

Mrs. Erin K. Kricher of 630 Fifth Street, Traverse City, Michigan 49684, county of Grand Traverse, succeeding Laura Braun whose term expires December 31, 2020, appointed to represent Democrats and residents of the Lower Peninsula, for a term commencing January 1, 2021 and expiring December 31, 2024.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2579.)

Michigan Public School Employees’ Retirement System Board

Mr. James Pearson of 632 Timber Ridge Drive, Highland, Michigan 48357, county of Oakland, succeeding Dan Christner who has resigned, appointed to represent a member who retired from a classroom teacher position, for a term commencing December 18, 2020 and expiring March 30, 2022.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2577.)

Data Collection Agency Governing Board

Ms. Emily McDonough of 520 N. Putnam Street, Williamston, Michigan 48895, county of Ingham, reappointed to represent the executive branch of state government, for a term commencing January 1, 2021 and expiring December 31, 2021.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2575.)

Barrier Free Design Board

Mr. Ronald R. Campbell of 303 N. Davison Street, Davison, Michigan 48423, county of Genesee, reappointed to represent registered architects, for a term commencing December 18, 2020 and expiring October 31, 2023.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2574.)

Board of Mechanical Rules

Mr. Terry A. Gilligan of 34761 Navin Avenue, Livonia, Michigan 48152, county of Wayne, reappointed to represent a member of organized labor who represents the mechanical trades, for a term commencing December 18, 2020 and expiring July 30, 2024.

Mr. Dennis R. Mowbray, Jr. of 20271 Wahrman Road, New Boston, Michigan 48164, county of Wayne, succeeding David Galbreath whose term has expired, appointed to represent unlimited service in heating or refrigeration, for a term commencing December 18, 2020 and expiring July 30, 2024.

(These appointments were referred to the Committee on Advice and Consent on December 17, 2020. See Senate Journal No. 96 of 2020, p. 2475.)

Michigan Civil Rights Commission

Mr. Richard Corriveau of 329 St. Lawrence Boulevard, Northville, Michigan 48168, county of Wayne, succeeding Jeffrey Sakwa whose term expires December 31, 2020, appointed to represent Democrats, for a term commencing January 1, 2021 and expiring December 31, 2024.

(This appointment was referred to the Committee on Advice and Consent on December 17, 2020. See Senate Journal No. 96 of 2020, p. 2475.)

Michigan Natural Resources Commission

Mr. Thomas A. Baird of P.O. Box 837, Elk Rapids, Michigan 49629, county of Antrim, succeeding Christopher Tracy whose term expires December 31, 2020, appointed to represent Democrats, for a term commencing January 1, 2021 and expiring December 31, 2024.

Mr. David Cozad of 2037 Briar Drive, Bay City, Michigan 48706, county of Bay, succeeding Louise Klarr whose term expires December 31, 2020, appointed to represent Democrats, for a term commencing January 1, 2021 and expiring December 31, 2024.

(These appointments were referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2576.)

Michigan Commission of Agriculture and Rural Development

Ms. Cheryl A. Kobernik of 1139 Forrester Road, Frankfort, Michigan 49635, county of Benzie, succeeding Brian Pridgeon whose term expires December 31, 2020, appointed to represent Democrats, for a term commencing January 1, 2021 and expiring December 31, 2024.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2574.)

Michigan Travel Commission

Ms. Amy B. Cox of 32242 Newcastle Drive, Warren, Michigan 48093, county of Macomb, succeeding Carol Kendra who has resigned, appointed for a term commencing December 18, 2020 and expiring August 20, 2023.

(This appointment was referred to the Committee on Advice and Consent on December 23, 2020. See Senate Journal No. 98 of 2020, p. 2578.)

On which motion Senator Lauwers requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 2

Yeas—19

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

Nays—14

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

Excused—3

Barrett	Hollier	McMorrow
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Not Voting—0

In The Chair: President

Senator Nesbitt moved that the appointments be considered en bloc.
 On which motion Senator Lauwers requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 3**Yeas—19**

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

Nays—14

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

Excused—3

Barrett	Hollier	McMorrow
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Not Voting—0

In The Chair: President

Senator Nesbitt moved that the Senate disapprove the appointments.
 The question being on the disapproval of the said appointments to office,
 The Senate disapproved of the appointments to office, a majority of the members serving voting therefor,
 as follows:

Roll Call No. 4**Yeas—19**

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

Nays—14

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

Excused—3

Barrett	Hollier	McMorrow
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Not Voting—0

In The Chair: President

Protests

Senators Polehanki, McCann, Hertel, Moss, Bullock, Santana, Alexander, Wojno, Chang, Geiss, Bayer, Brinks, Irwin and Ananich, under their constitutional right of protest (Art. 4, Sec. 18), protested against disapproving the gubernatorial appointments.

Senators Polehanki, McCann, Hertel, Irwin and Ananich moved that the statements they made during the discussion of the appointments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Polehanki’s statement is as follows:

Today I rise to declare my disappointment in my Republican colleagues’ disapproval of a qualified gubernatorial appointment to the Public School Employees’ Retirement System Board, commonly referred to as the MPSERS board.

My colleagues have chosen to disapprove Jim Pearson, a man with 40 years of public school teaching experience, most of which took place at Huron Valley Schools. He holds a master’s degree in education from the University of Michigan. As you can see, Mr. Pearson is supremely qualified for this position, but he has not even been given the opportunity to present his credentials to the Advice and Consent Committee. Colleagues, it is wrong to disapprove a qualified political appointment and what amounts to nothing less than a rank, political play.

Senator McCann’s statement is as follows:

Colleagues, I rise in opposition to the rejection of the appointment of Kristin Totten to the Child Abuse and Neglect Prevention Board. Ms. Totten is an eminently qualified appointment by the Governor to this board and for example, let me point to her résumé. As an attorney for a nonprofit—the ACLU—she has represented the children of Flint in the Eastern District Court and a federal class action suit to have the educational needs met in the wake of the Flint water crisis. She’s worked with education attorneys and advocates to stem the school-to-prison pipeline of children. As a private attorney she advocated for children in foster care and their foster families seeking to adopt them post-termination of parental rights. She served the community of Kalamazoo as a court-appointed attorney in abuse and neglect matters. As a staff attorney for the Children’s Law Center served minor clients as guardian ad litem in abuse and neglect and juvenile cases in the D.C. court system and so on, and as a New Haven Legal Assistance Association staff attorney provided legal representation in the areas of juvenile delinquency, truancy, abuse and neglect, school expulsion, special education, eviction defense, housing discrimination, and lead contamination issues. I can’t imagine someone who would be more qualified for the Child Abuse and Neglect Prevention Board. One other thing, she happens to be married to the Governor’s legal counsel—hm.

Colleagues, why disallow this appointment? Why are we doing this? Will preventing good people like Ms. Totten from service, which I spoke of in my invocation this morning—service uncompensated and voluntary for which they are highly qualified to accomplish good for Michigan—it’s baffling and unfortunate. I can only conclude that this is a ridiculous, vicious, and mean political game that is uncalled for and sends a terrible message to the public about what we are doing here in Lansing. I will vote against this disapproval.

Senator Hertel’s statement, in which Senators Moss, Bullock, Santana, Alexander, Wojno, Chang, Geiss, Bayer and Brinks concurred, is as follows:

Colleagues, I think far too often when politics is played we forget the individual people that it affects. These are not just political appointees. These are actual people that have been asked to do a job and serve Michigan. And those jobs are important. So I’d like to highlight one of those people as my “no” vote explanation today.

Suzanna Shkreli, who has been appointed as the Director of the Office of Children’s Ombudsman, who we will be rejecting today with this vote, was born and raised in Clarkston. She is the daughter of Albanian immigrants. Her parents have owned and run several restaurants in the area, came here with very little, and built several different restaurants, including Copperstones in Waterford. She has a law degree from Thomas Cooley Law School, a bachelor’s degree from Oakland University, and she studied early and modern Christianity at the University of Nicosia. She worked for the U.S. Department of Justice, then she came back to Michigan and spent her career working to protect children. She worked in the Macomb County Prosecutor’s office where she literally prosecuted people who were involved in physical and sexual abuse of children. She directed detectives during criminal investigations on evidence collection and interviewing witnesses. She exercised prosecutorial discretion in making determinations on probable cause for authorizations and throughout the criminal justice process. She literally has been involved in prosecuting child sex offenders her entire career. She had been appointed by the Governor to the Sexual Assault Tracking and Reporting and Human Trafficking Commissions.

It is impossible to argue—impossible—that she is unqualified to be the Children’s Ombudsman. To take someone who is obviously qualified and to reject them because you’re upset about something else, makes no sense whatsoever. Just to be clear as we move forward on the vote today, what you are being asked to do when you have these rejections, you will be voting to reject on the record the first Albanian-American ever appointed to run a department in this state. That will be on your record moving forward. You will be voting to reject an expert in prosecuting criminal cases that involve criminal and sexual assault against children. That is a vote that will go on your record permanently moving forward. A daughter of Macomb County, a daughter of immigrants, someone who has fought to protect children their entire lives, you will reject because you don’t like what somebody else has done.

I ask you to pull back, not put these individual people in the middle of this political power struggle, and think of what’s best for the actual people and children of this state. Is there any possible reason that Suzanna Shkreli, reading her bio which you didn’t even get the chance to present it, reading her bio, understanding who she is, is there any possible reason that you could think that children would be safer in Michigan if you rejected this appointment? The obvious answer is no. So I ask you to search your moral conscience in this situation and do what’s actually right for the children of Michigan and support this appointment.

Senator Irwin’s statement is as follows:

As many of you know, because I spent this time with some of you, I’ve spent eight years in this Legislature in the minority. One of the things I knew when I was coming in but has really been here at home for me is that no matter how good an idea I think I have, no matter what I think about an issue, if a majority of elected legislators and the Governor don’t agree, it doesn’t happen. That’s the process we have, and it seems that today, by proposing this, the majority is missing that simple fact—that elections have consequences. Just as you were elected a State Senator, Governor Gretchen Whitmer was elected Governor. You have to actually try to work with our Governor. This takes hard work and real negotiations, not political games played out on the Senate floor just meant to attack the Governor in ways that actually hurt our people.

This is wrong. This is an action that I’m going to leave this Capitol feeling great shame about because when this body lashes out in rage, when this body lashes out in political rage against the Governor, the people who are hurt are the people who we are sworn to serve. Petulance is not a good governing principle. It does not uphold our oath; it does not serve our people. I ask you, please, follow the advice of my good colleague from the 32nd District last week. Let’s turn down the temperature. Let’s work together. We can pull out the long knives next fall. We can try to win elections in all sorts of ways. It doesn’t have to be with childish fights on the floor about agencies that serve our people. We just heard about how the Office of Children’s Ombudsman is going to be left without leadership—an office that protects children against exploitation. Why is that a victim to this political fight?

I just don't understand this, so I implore my colleagues to pass legislation. If you want to work with the Governor, make proposals, pass bills. Let's do what this Legislature is supposed to do, instead of just holding back our citizens and hobbling our state all at the service of a political goal.

Senator Ananich's statement is as follows:

I rise to state in the clearest of terms how ridiculous this latest game is.

Those of you on the other side of the aisle trotted out a shiny list of slogans yesterday about how you want to make Michigan healthier, more secure, and more economically sound. And you want to do that how? By refusing a number of the Governor's appointees.

We know that if you had any real issues with these appointees, you would have brought them up in hearings, but you don't. It's clear that some people in this chamber have forgotten what we're here for. We have a solemn duty to serve the people in our communities—the people we represent.

It is not our job to play petty games just for the sake of flexing on the Governor, especially while she's trying to get us through the tail end of a deadly pandemic with little to no help from you. In each of our communities, there are people waiting for us to act. We have so much real work to do.

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

The motion prevailed.

Senator Horn's first statement is as follows:

I just say to my colleagues who have stood up and made some very good floor speeches that I too disagree with politics in this chamber, but we've been facing politics for the past two years. I've stood up here and asked that we work together, that we stand as a Senate body, that we work together on behalf of the people, and my colleagues on the other side of the aisle chose to stand with the Governor when she vetoed nine pages worth of items that affect our residents, the people of the state of Michigan. The first six that I highlighted were section 101, behavioral health program administration, Michigan CARES hotline, injury control prevention project, autism navigator, dental clinic program, children and adolescent health centers, opioid transitional housing services and grants. Doesn't include the veterans services cuts that got vetoes, doesn't include the police training that is so essential, and I can tell you this, that one or more members of my caucus quoted in this chamber as saying, "If the Governor doesn't have this kind of power, what good is it to be the Governor?" standing in the Senate.

Mr. President, we have tools too. We've been patient with the Governor, we've sent her great issues that she can support as well, and without explanation we saw vetoes. We saw this government shut down. I don't know, I can't tell you, the countless number of immigrants and children of immigrants who own businesses in the state of Michigan who have lost their livelihoods, the million people on unemployment because of this Governor and the power she has. We have this tool available to us, and I'm telling you, Mr. President, that we will continue to use the tools we have, with or without our colleagues on the other side, to demonstrate to the Governor that we are partners in this, that we are a co-equal branch. Until that's recognized, we will use the tools we have, without explanation.

Senator Nesbitt's statement is as follows:

I'm disappointed that I feel compelled to stand before you today and ask that this body decline the nominations of several of Governor Whitmer's appointments. Our founders created a system of checks and balances that very purposefully requires the Governor and the Legislature, regardless of party, to work together to tackle the problems facing our state. But throughout this Governor's time in office, our Governor has done everything possible to avoid working with the elected members in this chamber as our founders intended. Instead she has turned to unelected bureaucrats, whether it's the State Administrative Board or the health director, to implement these policies. Even after the highest court in our state made it very clear that Governor Whitmer should not circumvent this Legislature, she has continued to do so. Mr. President that shouldn't be a partisan issue. Every time the Governor circumvents this chamber—the people's house, the people's Legislature—she circumvents the voice of our constituents. I understand it's not easy to compromise. I'm sure it's much easier to direct your employees, your direct reports, to implement your desires than to try to work with 148 members in this Legislature, elected officials that each represent in this body about 260,000 people. If the Governor will not even listen to the courts, we must use every tool granted to us, to the Senate, to encourage her to put the tough work necessary, to compromise with the people's representatives. One of those tools is disapproving of her appointments, which is what I ask that we do today.

Senator Ananich's statement is as follows:

I'd like to thank the gentleman from the 32nd District for proving the exact point that we've all made today. This is rank politics. Thank you very much for admitting it. I will remind a number of my colleagues on the other side of the aisle who have forgot for eight years what it was like to ram stuff through without even considering the opinions of the minority, without even telling us often what was going on and making little statements afterwards. Well, that's what happens when you win elections. That's what happens when we have the power. Well, now we're in divided government. Maybe you haven't gotten the memo. But I'm going to let you know that compromise takes a two-way street, not just getting up here whining. It means coming to meetings, it means compromising on things that you want along with things the Governor and we want. That may be a difficult thing to come to grips with, but I think it's past time.

Senator Horn's second statement is as follows:

I'm only standing up again because my district was named. I thank my friend from Genesee County for pointing out that both sides are playing politics—that it isn't just this particular issue, that by pointing that out, both sides recognize that this is happening, and I'm asking for not just a two-way street in this body, I'm asking for a two-way street in terms of the executive branch. It is a two-way street, I agree. Thank you for pointing that out.

Statements

Senators Chang, Runestad, Theis and Geiss 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:

As we begin this legislative session and learn every week more horrific details about what happened on January 6, I just wanted to share some of my thoughts.

In D.C. that day, not only did the domestic terrorists say, "Kill him with his own gun" as they beat an officer and chant, "Hang Mike Pence" as they stormed the building, they also said, "They're supposed to shoot BLM, but they're shooting the patriots." A Black police officer at the Capitol was called the N-word 15 times that day. They had confederate flags, nooses, gallows, and Camp Auschwitz sweatshirts.

We cannot ignore the direct link between the insurrection, efforts to overturn the election, and white supremacy. Unfortunately, the racism, anti-Semitism, and violent rhetoric was not new. Four years ago, white supremacists marched in Charlottesville and ran over counter-protestors, followed by Trump saying there were "very fine people" on both sides, but hate goes back to before the founding of our country. It is now, though, that we have to not just talk about a reckoning around race in our country but do something about it.

As the dust settles, accountability must come before unity. And in that unity, if we fail to address the underlying issues that led to the insurrection in the first place, then we are not doing our job. We must tackle the racism and white supremacist notions that continue to pervade. We must address inequities, particularly in our justice system, and we must always continue to uplift the ideals of a democratic republic and stand for the truth.

We ran for office not to be politicians but to be public servants, knowing that it would be hard. Our job is to listen to our residents, and sometimes we need tell them the hard truth, even at the times when the politics of our positions may make it harder to do so. Part of our job as public servants is to call out wrongs and injustices when we see them and also to address the causes that led to those wrongs and injustices in the first place.

So when we reflect on the insurrection, of course we need to talk about security in our buildings, about the fact that we had the most secure election in America's history, but also we must talk about the visible difference in police response to Black Lives Matter protestors compared to mostly white insurrectionists. We must talk about the fact that law enforcement officers from other jurisdictions were among those rioting. We must talk about the fact that some officers were taking selfies with the insurrectionists and others helped them get into the Capitol, and we must talk about the urgent need to address police violence in our communities.

I want to remind everyone that we can both honor our law enforcement who do heroic acts of service every day, and push them to be better and to address racial injustice. We can thank the officers who saved lives that day, mourn those who were killed, and push our systems of policing to be more accountable and transparent too.

The Michigan Legislature failed to get a single police accountability bill to the Governor's desk last year. That is a shame. So in 2021 we have a choice. Do we continue to entertain falsehoods about the election and do nothing about police violence; or do we act boldly, stand up for the truth, bring accountability and transparency to police systems, and root out racism from our policies, institutions, and in our society?

I have always believed that big changes were possible, so let's recommit ourselves to this hard and important work and get it done.

Senator Runestad's statement is as follows:

Mr. President, Senators Hollier and Geiss offered Senate Resolution No. 4 citing a Senate rule that, "A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled." That resolution was in response to a letter that I along with ten colleagues sent to a Joint Session of Congress asking it to pursue every avenue, the procedure, and to examine credible—I repeat, the credible—allegations of election-related concerns surrounding fraud and irregularities. The letter further stated that we do not seek to overturn the will of the people. That was our letter. So, in complete contradistinction to the very words in our letter, Senators Geiss and Hollier write in their resolution that our letter was part of a campaign to overthrow the will of the American people. As you can see, Mr. President, these Senators can easily discern in the very clear language of our letter there is nothing of the kind indicated in our letter.

Their resolution states that simply requesting an investigation to members of Congress is tantamount to obstructing the peaceful, orderly transition of power. Mr. President, as you can see, these two Senators are messaging complete fabrications contrary to the facts addressed in our letter.

Mr. President, since these two Senators have demonstrated this unmitigated disregard for the truth in their resolution with utter fabrications designed to mislead the good citizens of the state of Michigan, they may very well have violated the provisions of the rules regulating ethics and conduct and should thus be reprimanded or censured for publicly propagating this misinformation in the Senate Chamber.

Further, Mr. President, on January 1 Senator Hollier was quoted on *MLive* stating we should do everything in our power to fix elections, to make sure they're more secure, and to make sure every vote is counted. Yes, we should absolutely do that. Just exactly what was his desire to fix elections to make sure they're more secure and that every vote is counted referring to? Was he questioning any aspect of the 2020 election? Was he saying there was even one thing that was done improper? If so, Mr. President, by his own resolution and admission, his statement ought to be condemned for his efforts to undermine the American election.

Perhaps the good Senator was referring to one of the irregularities that the media reported on recently. The *Detroit News* reported that in the November 2016 election, 59 percent of the city of Detroit precincts could not be recounted because the numbers mismatched, most involving too many votes. With four years to work on this travesty and with the Legislature's change to election law permitting the city to now begin processing ballots but not opening them the day before the election, did the Secretary of State and the city clerk finally get this fiasco fixed? Let's take a look. The *Detroit News* reported that in Detroit, although the turnout was under 50 percent, Detroit elections officials say that in 2020, now not 59 but 72 percent of absentee ballot precincts recorded did not match the actual number of votes. Shockingly, Wayne County has called for an official investigation. Was Wayne County's call for an investigation an attempt to undermine American elections or to undercut the faith of our institutions or to contribute to an atmosphere leading to violent insurrection as these Senators have charged whenever there's a call for an elections investigation? Did the *Detroit News* or other outlets commit all these horrible acts simply because they published the facts?

Mr. President, since the good Senator has indicated that questioning any aspect of the last election no matter how de minimis is tantamount to committing all these egregious, horrific charges he has leveled, has he considered how many members of his own party, of the media, of his own Wayne County, could be swept up into his preposterous condemnation? This is the kind of crazy atmosphere of smears and of lies being propagated across the entire political atmosphere with nothing more in mind than an attempt to divide the nation and to create disunity.

Senator Theis' statement is as follows:

Colleagues, today marks the 48th anniversary since the United States Supreme Court issued their decision in the *Roe v. Wade* case. As we mark the anniversary of a deadly day in our nation's history that has since resulted in the loss of millions of innocent American lives, I have introduced Senate Resolution No. 8, recognizing the sanctity of life. Since 1973 over 55 million—likely over 60 million—children have been lost to abortion. Life is a precious gift and is absolutely worth protecting. It's the basic responsibility of our government in a civilized society to protect all of those who are unable to protect themselves and this includes the innocent life of the unborn. In the spirit of our founding, we ought to affirm through our laws and with our dollars, the truth that every member of our society—every woman and their unborn children—are entitled

to a right to life and to the full protection of that right under law. Our abortion policy is among the most radical policies in the Western World, enabling barbaric procedures to be used on women and their unborn children, ending the lives of hundreds of thousands of innocent babies in our nation each year. As individuals who are elected to serve the people of this great state, we have an obligation to uphold the sanctity of life, an obligation to protect the dignity of the human person. I welcome my colleagues' support and co-sponsorship on this important resolution.

Senator Geiss' statement is as follows:

So since we're going to talk about this, and Senate Resolution No. 4 that was not brought up for discussion, I'm going to reiterate a couple of things. The resolution was about the climate that was created in a letter that was sent questioning the results of an election that had been decided by the voters. It has fueled the very disgusting, horrific events that occurred at the nation's Capitol on January 6. That is what the resolution read, that is what the resolution said, and the gentleman from the 15th Senate District is widely incorrect and did not understand. And I also must question the gentleman from the 15th Senate District who also co-signed the letter that when it was initially published by very reputable news sources, said they didn't know about the letter. So there is some confusion here. And I also want to just make a point of order that our esteemed floor leader reminded us on day one of what the rules and conduct are of not disparaging your colleagues. We are not to reference each other by name, but by district number. So this is a reminder those are the rules, the Senate Rules to which we all agreed. And I would hope that we would have the moral fortitude while we do our job here to follow, at the very least, the Senate Rules to which we all agreed.

Announcements of Printing and Enrollment

The Secretary announced that the following bills, joint resolution, and resolutions were printed and filed on Tuesday, January 26, and are available on the Michigan Legislature website:

Senate Bill Nos.	30	31	32	33	34	35	36	37	38	39	40	41	42
	43	44	45	46									
Senate Concurrent Resolution Nos.					3	4							
Senate Resolution Nos.		3	4	5									
House Bill Nos.	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014	4015
	4016	4017	4018	4019	4020	4021	4022	4023	4024				
House Joint Resolution			B										

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, January 26, 2021, at 2:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Theis, Bizon and Irwin

Scheduled Meetings

Advice and Consent – Thursday, February 4, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5314

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

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

Oversight – Thursday, January 28, 11:00 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 11:40 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, January 28, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

