

No. 11
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Tuesday, February 8, 2022.

10:00 a.m.

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

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

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

Horn—present
Huizenga—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
MacDonald—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present
Outman—present

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

Senator Roger Victory of the 30th District offered the following invocation:

Lord, we come to You this morning and it is a good day. It is a good day because it's a day that You have made. May You guide us throughout it; may Your hand lead us in the decisions that we will make in in this chamber. Lord, may You bless the residents of Michigan and may we do the work on their behalf. Let it be their work, not our work, that we represent their voice and not just our voice in this chamber today. May we do this with Your helping hand and we ask this in Your Son's name. Amen.

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

Motions and Communications

Senator Lauwers moved that Senator Schmidt be temporarily excused from today's session. The motion prevailed.

Senator Geiss entered the Senate Chamber.

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

The following communication was received:
Office of Senator Roger Victory

January 12, 2022

Per Senate Rule 1.110(c) I am respectfully requesting my name be removed as the primary sponsor for Senate Bill 40 which was introduced on January 26th of 2021 and subsequently referred to the Senate Committee on Local Government.

Sincerely,
Roger Victory
State Senator
30th District

The communication was referred to the Secretary for record.

Senator Schmidt entered the Senate Chamber.

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

The motion prevailed.

Senator Shirkey's statement is as follows:

Today we send forth to go prosper another colleague who has worked hard for us on the Senate policy staff, Carmen Siciliano. I like to say that—Carmen Siciliano—I like that. Carmen's work in our Senate Majority Policy Office is the capstone of over ten years of public service to our state, serving in a number of different members' offices throughout the Legislature. His dedicated service has always been punctuated by this wry smile, his sense of humor, and his impeccable attention to detail, down to the very last granular detail.

Over the years Carmen has had many accomplishments here in the Legislature. Some of them have had, and will have, a continuing lasting impact on our state. The most recent one that he had his fingerprint all over was on the 5G implementation in our state, which will pay dividends with Carmen's influence for a long, long time. His contributions have certainly accrued the betterment of our state, and I'm glad to know that the road has not ended for you, sir, and that you will continue to work to better our state in your new and next endeavor.

Carmen couples his expertise with a wide range of policy fields and signature sense of humor that I have already mentioned. This duo makes Carmen an asset and also, Carmen, you have been nothing but a joy to work with. In the most intense, pressure-filled moments you've had a steady calm and are somebody whom all of us can lean on and not flinch. That's one of your most redeeming qualities. His patience is almost inexhaustible—and believe me, it has been tested and many of us in this chamber have been in the rooms

when that has been tested and he hasn't flinched at all. This trait not only makes Carmen the kind of individual who can conquer tough problems, but it makes him an extraordinary mentor and he has helped many who have followed him and served with him on the policy staff.

In addition to his many professional accomplishments, Carmen is a dedicated husband and father of four beautiful children. I don't know that they are here today—your wife is up here? Thank you for sharing Carmen with us. He's part of our family too and we know that he's a great husband and father. We wish you, Carmen, very well, we know that you are going to just do amazing things, and we thank you for the investment of time you've made with us and for us in the Legislature. God bless you and good luck.

Senators Moss and Ananich entered the Senate Chamber.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:22 a.m.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators McMorrow, Bayer, Geiss, Hollier, Irwin, Wojno, McCann, Polehanki, Alexander, Bullock, Chang, Brinks, Moss and Ananich introduced

Senate Bill No. 856, entitled

A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual's firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.

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

Senators Geiss, Bayer, McMorrow, Hollier, Wojno, McCann, Irwin, Polehanki, Alexander, Bullock, Chang, Brinks, Moss and Ananich introduced

Senate Bill No. 857, 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 sections 2, 2b, and 5b (MCL 28.422, 28.422b, and 28.425b), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and section 5b 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.

Senators Bayer, McMorrow, Geiss, Hollier, Wojno, McCann, Irwin, Polehanki, Alexander, Bullock, Chang, Brinks, Moss and Ananich introduced

Senate Bill No. 858, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.

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

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

Senate Bill No. 859, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1212 (MCL 380.1212), as amended by 2016 PA 319.

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

Senators McMorrow, Hollier, Wojno, Santana, Chang, Polehanki, Geiss, Alexander, Bayer, McCann and Bullock introduced

Senate Bill No. 860, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 3 (MCL 15.263), as amended by 2020 PA 254.

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

Senator McBroom introduced

Senate Bill No. 861, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1526, 1531, and 1531d (MCL 380.1526, 380.1531, and 380.1531d), section 1526 as amended by 1995 PA 289, section 1531 as amended by 2018 PA 235, and section 1531d as added by 2003 PA 18.

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

Senators Schmidt, Hollier, Bullock, Wojno, McCann and Geiss introduced

Senate Bill No. 862, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 29, 29a, 29b, and 29d (MCL 125.2029, 125.2029a, 125.2029b, and 125.2029d), sections 29 and 29b as added by 2008 PA 75, section 29a as amended by 2011 PA 291, and section 29d as amended by 2020 PA 199; and to repeal acts and parts of acts.

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

Senators Hollier, Bullock, Wojno, McCann, Geiss and Schmidt introduced

Senate Bill No. 863, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.847) by adding sections 285 and 677.

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

House Bill No. 4953, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1293.

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

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

House Bill No. 4994, entitled

A bill to allow for the donation of unclaimed shoes held by persons engaged in the business of shoe repair.

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

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

House Bill No. 5433, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16305a.

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

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

House Bill No. 5434, entitled

A bill to amend 2016 PA 407, entitled “Skilled trades regulation act,” (MCL 339.5101 to 339.6133) by adding section 407a.

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

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

House Bill No. 5435, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” (MCL 339.101 to 339.2677) by adding section 407a.

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

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

By unanimous consent the Senate returned to the order of

Resolutions

Senator Johnson offered the following resolution:

Senate Resolution No. 106.

A resolution to recognize February 2022 as American Heart Month and February 4, 2022, as “Go Red for Women Day”.

Whereas, Cardiovascular disease affects men, women, and children of every age and race in the United States (U.S.); and

Whereas, From 2019-2020, deaths from heart disease increased by 4.8 percent, the largest increase in heart disease deaths since 2012, while stroke deaths increased by 6 percent. Cardiovascular disease continues to be the leading cause of death in the U.S.; and

Whereas, In 2015, cardiovascular disease accounted for \$555 billion in health care expenditures and lost productivity, and by 2035, cardiovascular disease will account for over \$1 trillion in health care expenditures and lost productivity annually; and

Whereas, The global COVID-19 disease pandemic poses significantly high risk to individuals with cardiovascular disease and risk factors; and

Whereas, Individuals in the U.S. have made great progress in reducing the death rate for cardiovascular disease, but this progress has been more modest with respect to the death rate for cardiovascular disease in women and minorities; and

Whereas, Cardiovascular diseases are the number one killer of women in the U.S., killing more women than all forms of cancer combined. Cardiovascular disease is also the leading cause of maternal death in the U.S., or more simply put, heart disease is the number one killer of new moms; and

Whereas, Women, especially Black and Hispanic women, are disproportionately impacted by heart disease and stroke, and research shows heart attacks are on the rise in younger women. Yet, younger generations of women, also known as Gen Z and Millennials, are less aware of their greatest health threat, including knowing the warning signs of heart attacks and strokes; and

Whereas, Ninety percent of women have one or more risk factors for developing heart disease or stroke; and

Whereas, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than if someone else were having a heart attack; and

Whereas, The American Heart Association’s Go Red for Women® movement motivates women to learn their family history and to meet with a health care provider to determine their risk for cardiovascular disease and stroke; and

Whereas, Women involved with the Go Red for Women® movement live healthier lives; and

Whereas, “Go Red for Women Day” encourages women to take control of their heart health by understanding and managing these five numbers:

1. Total Cholesterol;
2. HDL (good) Cholesterol;
3. Blood Pressure;
4. Blood Sugar;
5. Body Mass Index (BMI); and

Whereas, The American Heart Association celebrates February 2022 as American Heart Month by promoting cardiovascular education, awareness, and by encouraging citizens to learn the warning signs of a heart attack and stroke; now, therefore, be it

Resolved by the Senate, That we recognize February 2022 as American Heart Month and February 4, 2022, as “Go Red for Women Day”; and be it further

Resolved, That we also recognize the importance of the ongoing fight against cardiovascular disease by applauding the citizens across the country who wear red on February 4, 2022 to show their support for women's health; and be it further

Resolved, That by increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular disease and stroke, we can save thousands of lives each year.

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.

Senators Brinks, Chang, Hollier, Huizenga, LaSata, Lauwers, MacDonald, McCann, McMorrow, Polehanki, Santana, Theis and Wojno were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Johnson's statement is as follows:

I rise in support of Senate Resolution No. 106. This past Friday, February 4 was Go Red for Women Day, and my resolution would designate February 2022 as American Heart Month in the state of Michigan.

Cardiovascular disease is the leading cause of death of women in the United States and it's also deadlier than all forms of cancer combined. Therefore, it's important to be aware of the various risk factors and how it can be prevented. Go Red for Michigan is a movement to encourage and empower women to take control of their heart health and help raise awareness by encouraging those around them to learn the warning signs of heart attacks and strokes.

It's important for women to know the following numbers, including total cholesterol, HDL, blood pressure, blood sugar, and body mass index. I ask my colleagues to join with me in supporting Senate Resolution No. 106 and helping raise awareness of cardiovascular disease, stroke symptoms, and empowering women and men to take control of their heart health.

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 525, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," (MCL 45.501 to 45.521) by adding section 14b.

Substitute (S-1).

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

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

House Bill No. 5260, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248I (MCL 257.248I), as added by 2018 PA 420.

Substitute (S-1).

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

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

House Bill No. 5523, entitled

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

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 7, following line 26, by inserting:

“Sec. 227. The cost to construct the Michigan Technological University H-STEM Engineering and Health Technology Complex – Phase I project, initially authorized for construction in 2020 PA 257, is hereby increased by \$8,400,000.00 to a new total project cost of \$53,100,000.00 (total state building authority share \$29,699,800.00; Michigan Technological University share \$23,400,000.00; state general fund/general purpose share \$200.00).”.

2. Amend page 25, line 23, after “by” by striking out “March” and inserting “April”.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Lauwers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 5523

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 5523

The motion prevailed.

The following bill was read a third time:

House Bill No. 5523, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 17

Yeas—36

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

Nays—2

Runestad

Theis

Excused—0**Not Voting—0**

In The Chair: President

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

Protest

Senator Runestad, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5523.

Senator Runestad's statement is as follows:

I rise to give my "no" vote explanation on the supplemental, and my concern is that so much of what we're seeing across this nation and state is dividing people—dividing people into categories, dividing people into identities—and I think if there's anything in this nation that's going to tear this nation apart, it is this division. The idea that we would take something so important as a COVID therapeutic treatment that can save someone's life and say we're not going to distribute that on the basis of your medical need, your medical vulnerability, whether it will save your life, but what category, what group you belong to, what external appearance you have, as opposed to the absolute most important thing, the medical scientific necessity of that drug to keep that person alive. Because I couldn't get that amendment through is why I voted "no."

By unanimous consent the Senate proceeded to the order of

Statements

Senators Polehanki 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 Polehanki's statement is as follows:

Late last week, the Republican National Committee formally censured two congressional Republicans for participating in the inquiry into the deadly attack on the United States Capitol on January 6, 2021. In a formal resolution, the G.O.P. accused two of its own of participating in the "persecution of ordinary citizens engaged in legitimate political discourse." Let me repeat that—in a formal resolution, the Republican Party has declared that the attack on our nation's Capitol was legitimate political discourse. So, according to the Republican Party, the \$1.5 million worth of damage to the Capitol Building is the result of legitimate political discourse.

The hundreds of people in the Capitol that day who were traumatized because they thought they might die, that's all due to legitimate political discourse. The 150 police officers who were injured is because people engaged in legitimate political discourse. And according to the Republican Party, the at-least-seven people who lost their lives in connection with the attack is the result of legitimate political discourse.

How wounding this statement must be to the mentally and physically injured, and to the families of the deceased. And how utterly offensive this statement is to folks like us who watched in horror as a pro-Trump mob attempted a coup on the seat of government of the United States of America because their leader wanted to overturn an election that he lost fair and square.

In the hours and days after the attack, we remember hearing Republican Party leaders issue full-throated condemnations of not only the attack but also of the former President's conduct related to it. But now many Republican Party leaders have shifted to downplaying and scapegoating because they fear the former President and his followers.

Today I call on my Republican colleagues in the Michigan Senate to denounce their party's statement that the January 6 attack was simply legitimate political discourse. I call on my Republican colleagues to boldly and unequivocally state, This is not what we stand for and this is not who we are. We are all proud Americans in this room. I hope we can all agree that the truth still matters and that we don't cower before liars.

Senator Ananich's statement is as follows:

I saw a recent social media post that said, "Calling all patriots. We are demanding a forensic audit," and it's from an ironically-named group called American Patriots. My former colleague and good friend Coleman Young II used to start with a quote, so that's what I'm going to do right now. President Ulysses S. Grant said, "There are but two parties now, traitors and patriots and I want hereafter to be ranked with the latter, and I trust, the stronger party."

Some in this chamber have denounced this ridiculous call for a forensic audit, many more sadly have sat quietly, and a few have joined in with this ridiculous rhetoric. 2020 is settled, except for a few here today who are living in an alternative reality. They have had their targets set specifically on Detroit—not Hillsdale, not Livingston, not Midland. I'll call it like it is—they want a recount of the Black vote. It's not going to fly. You can continue on with your campaign of lies and fear while everyone else moves on with their lives, but it's not going to get you anywhere except in our history books next to all the other tried-and-failed villains.

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Monday, February 7, for her approval the following bills:

Enrolled Senate Bill No. 654 at 1:32 p.m.

Enrolled Senate Bill No. 694 at 1:34 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, February 3, and are available on the Michigan Legislature website:

House Bill Nos. 5724 5725

Scheduled Meetings

Agriculture – Thursday, February 10, 8:30 a.m., Room 1200, Binsfeld Office Building (517) 373-1721

Appropriations and House Appropriations – Wednesday, February 9, 11:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittee –

K-12 and Michigan Department of Education – Thursday, February 24, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Economic and Small Business Development – Thursday, February 10, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Elections – Wednesday, February 9, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5323

Finance – Wednesday, February 9, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Health Policy and Human Services – Thursday, February 10, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Judiciary and Public Safety – Thursday, February 10, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Natural Resources – Wednesday, February 9, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senate Fiscal Agency Governing Board – Thursday, February 10, 9:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Transportation and Infrastructure – Wednesday, February 9, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5323

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 10:58 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, February 9, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate