

No. 4
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Thursday, January 28, 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—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present

Hollier—present
Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
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 Kim LaSata of the 21st District offered the following invocation:

Heavenly Father, You are the source of all true joy in life. Help us to find our joy in You. May Your voice sound clearly above all others as we lead this place. May Your peace be in our hearts, Your grace be in our words, Your love be in our hands, and Your joy be in our souls. May Your love surround us, Your spirit guide us, and Your voice cheer us. May Your peace calm us, Your shield protect us, and Your wisdom arm us wherever You may lead us.

Through Jesus Christ our Lord. Amen.

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

Senator Ananich entered the Senate Chamber.

Motions and Communications

Senator Irwin entered the Senate Chamber.

Senator Chang moved that Senator McMorrow be excused from today's session.
The motion prevailed.

The following communication was received:
Office of Senator Tom Barrett

January 28, 2021

I, Senator Tom Barrett, would like my name added as a co-sponsor of Senate Resolution 8. The right to life is prerequisite for every other right and freedom we hold dear, and the most basic duty of government is to defend life and liberty. To that end, it is necessary that we in public office recognize and protect human life from the moment it begins. Each person is a unique human life from the moment of conception, and it is incumbent upon us as a state to establish and enforce laws to protect human life at every stage. For these reasons, I submit this request to co-sponsor SR 8, affirming the right to life of every unborn child in this state and calling for the enforcement of all laws regulating or limiting the practice of abortion.

If you have any questions, please contact me or my office.

Sincerely,
Tom Barrett
State Senator
24th District

The communication was referred to the Secretary for record.

Senator Lauwers moved that the rules be suspended and that the following resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 7

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

Messages from the Governor

The following message from the Governor was received and read:

January 27, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 317 of 1969, MCL 418.213, as amended by Executive Order No. 2003-18, MCL 445.2011, Executive Order 2009-53, MCL 125.1998, and Executive Order No. 2019-13, MCL 125.1998:

Workers' Compensation Board of Magistrates

Mr. Keith A. Castora of 44901 Coachman Court, Canton, Michigan 48187, county of Wayne, reappointed for a term commencing January 27, 2021 and expiring January 26, 2025.

Ms. Lisa L. Dykstra of 1842 Newton Avenue, S.E., Grand Rapids, Michigan 49506, county of Kent, reappointed for a term commencing January 27, 2021 and expiring January 26, 2025.

Mr. Richard J. Ehrlich of 2900 Windwood Court, Commerce Township, Michigan 48382, county of Oakland, succeeding Robert Timmons whose term has expired, appointed for a term commencing February 1, 2021 and expiring January 26, 2025.

Mr. John Housefield of 1242 Senna Trail, DeWitt, Michigan 48820, county of Clinton, reappointed for a term commencing January 27, 2021 and expiring January 26, 2025.

Mr. Kevin P. Kales of 8114 Winona Avenue, Allen Park, Michigan 48101, county of Wayne, succeeding Jane Colombo whose term has expired, appointed for a term commencing February 1, 2021 and expiring January 26, 2025.

Mr. Lenny Segel of 31092 N. Park Drive, Farmington Hills, Michigan 48331, county of Oakland, succeeding John Sims whose term has expired, appointed for a term commencing February 1, 2021 and expiring January 26, 2025.

Mr. David H. Williams of 891 N. Oxford Road, Grosse Pointe Woods, Michigan 48236, county of Wayne, reappointed for a term commencing January 27, 2021 and expiring January 26, 2025.

Respectfully,
Gretchen Whitmer
Governor

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

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:05 a.m.

10:17 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

Senator Irwin introduced

Senate Bill No. 58, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20118, 20120a, 20120b, 20120e, and 20121 (MCL 324.20118, 324.20120a, 324.20120b, 324.20120e, and 324.20121), section 20118 as amended and section 20121 as added by 2014 PA 542, sections 20120a and 20120b as amended by 2018 PA 581, and section 20120e as amended by 2012 PA 190.

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

Senator Santana introduced

Senate Bill No. 59, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2018 PA 211.

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. 60, entitled

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending section 807 (MCL 339.5807).

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. 61, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 32502 (MCL 324.32502), as added by 1995 PA 59, and by adding section 32517.

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

Senators Geiss, Bullock, Wojno, Bayer, Alexander, Chang, Ananich and Santana introduced

Senate Bill No. 62, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 147c.

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

Senators Geiss, Bullock, Wojno, Bayer, Alexander, Chang, Ananich and Santana introduced

Senate Bill No. 63, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

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

Senator Santana introduced

Senate Bill No. 64, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 1002 (MCL 450.2002), as amended by 2008 PA 402, and by adding section 505a.

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

Recess

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

The motion prevailed, the time being 10:21 a.m.

10:45 a.m.

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

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 7

The motion prevailed.

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 and youth sports and allow play to resume immediately.

(This resolution was reported by the Committee on Education and Career Readiness. See p. 94.)

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution as substituted was adopted.

Senators Barrett, Johnson, Lauwers, McBroom, Outman, Schmidt, Shirkey, Stamas and Victory were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Zorn's statement is as follows:

Thank you, Mr. President, for allowing me to speak on Senate Resolution No. 7, which is of vital importance to the vast majority of students in our state. Senate Resolution No. 7 would 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. It is all about giving our kids opportunities and a healthy lifestyle. Sports foster valuable life skills, such as understanding, diversity, and inclusion; not to mention responsibility and accountability, which builds character. It is everything one needs to be in the game that we call life.

Science-based data shows that students who participate in sports have lower health risks, higher self-esteem, and greater academic success. Several studies have linked positive academic results from students participating in high school sports. Teenagers who play sports are also less likely to smoke or to do drugs and are eight times more likely to be physically active throughout their lifetime. Research from the National Federation of State High School Associations revealed that participation in team sports is independently associated with a higher GPA for both high-school age boys and girls. Executive Director of the Michigan High School Athletic Association Mark Uyl reports that during the past three months, there were 30,000 rapid COVID-19 tests made on high school fall sports athletes that found a negative COVID infection rate of 99.8 percent. That is only 0.002 percent were found to be positive. Let me be very clear—98.8 percent was negative. Test conclusion, high school athletes are not a spreader of this virus.

There are several mental health issues and lots of data. While the recent MDHHS order is intended to be in the best interest of 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 high school closures, students are suffering from crippling isolation which is severely harming their mental health. A recent article in Bridge Magazine cited a national survey of more than 3,000 high school and college students regarding the coronavirus, where 87 percent reported stress and anxiety while 57 percent reported that their mental health had worsened. Mental health experts are concerned about the increase 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. Here is a statistic for you. The fifth-largest school district in the nation—Clark County, in Nevada—had 3,100 students with mental health cases. Eighteen have committed suicide, all this since the closing of schools and shutting down sports.

I have used scientific data; I'm not afraid to tell you what data I used. The International Journal of Behavioral Nutrition and Physical Activity, and the Journal of Sports Science and Medicine. Furthermore, there is little data available that demonstrates why continued suspension of high school sports is necessary.

In closing, students in Michigan are hurting. All they want is to be able to compete with their friends and to be the very best they can be. They don't understand why their school experience, their lives, and potential scholarships have been blocked without explanation. It is the dream of our students to succeed. Whether its education or sports, it is about giving our kids good, wholesome opportunities for a lifetime of success. I ask for your support in adoption of Senate Resolution No. 7.

Senator Theis' statement is as follows:

Colleagues, I want to bring your attention to the comments from my good friend from the 17th District. This resolution encompasses a lot of the issues that our children are dealing with right now. There is not just one problem for our kids, there is a host of problems for our children. When you have nearly 90 percent of our kids talking about the stress and the anxiety that they're dealing with right now, they desperately need an outlet. Sports provide that outlet and sports are proven to be safe across the country, particularly when compared to almost every other activity that we as adults do. These children need the outlet, they need the freedom, they need the opportunity to play their sports. Last year when we moved all those seniors forward, all of the kids lost their final year of athletics that many of you know was one of the most important times in your life. They lost that. Let's not do that to another year of students. They desperately need this opportunity to play. I request of the Governor, please give that to them. Open them up now. Let them play their winter sports, let them play their spring sports. Give them the opportunity for the mental health that they need.

By unanimous consent the Senate proceeded to the order of
Statements

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:

Colleagues, science and data, science and data, science and data. Over the past ten months our Governor has claimed her unilateral decisions have been guided by two things: science and data. And yet no matter how many times we ask, no matter how many times small business asks, no matter how many times Michiganders out of work ask, the Governor would not specify what data metrics we need to reach to resume activities safely. What infection rate? What hospitalization rate? What fatality rate? No, the answer was, 'Just trust us,' we were told, 'Everything is being done based on science and data.' But today, after ten months the Governor finally came clean. In an interview this morning she said, "Metrics matter," but, and I quote, "Fidelity to a specific number and percentage is problematic." I add, 'Or is it fidelity to an ideology?' Mr. President, fidelity to numbers—to data—is what the people of Michigan were promised. In every press conference, in every national TV interview, we were told it was the numbers that guided her decisions. But instead we now know the truth. The lives and livelihoods of thousands of Michiganders hang in the balance, not based on science and data, but whether it's their turn to be announced at a press conference. And it's past time this behavior ends.

By unanimous consent the Senate returned to the order of
Resolutions

Senators Theis, MacDonald, Zorn, Bizon, Victory, Daley, Bumstead, LaSata, Nesbitt, Horn, Lauwers, McBroom, Stamas, VanderWall, Shirkey and Runestad offered the following resolution:

Senate Resolution No. 8.

A resolution to affirm the right to life of every unborn child in this state and call for the enforcement of all laws regulating or limiting the practice of abortion.

Whereas, A fundamental role of government is to protect the unalienable rights of citizens. This nation was founded on the principle that the right to life is among these rights possessed by every human being. Founding father Thomas Jefferson declared, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."; and

Whereas, Abortions reject the core moral principles of our nation by destroying innocent living and developing human beings who are no different than every born citizen of this state. Science and medicine have definitively established that each individual human life begins when fertilization occurs, which is a factual determination and not a matter of opinion or religious belief; and

Whereas, The state of Michigan has a long and unbroken history of protecting unborn children. Michigan has continuously had a law prohibiting abortions in effect since 1846, as currently found in section 14 of the Michigan Penal Code, 1931 PA 328, MCL 750.14. While the United States Supreme Court case *Roe v. Wade* limits the enforcement of Michigan's abortion prohibition, it continues to be the policy of the state of Michigan to proscribe abortions; and

Whereas, The people of Michigan have expressed their objection to abortions when presented with opportunities to change it. The people affirmed the prohibition on abortion in a 1972 statewide referendum which proposed to legalize abortion through 20 weeks of pregnancy. The referendum was overwhelmingly rejected with a vote of 61 percent to 39 percent against the proposal; and

Whereas, The Michigan Constitution was ordained to secure the blessings of freedom, among them the right to life, for ourselves and our posterity, which undoubtedly includes our children – born, unborn, and not yet conceived; and

Whereas, Abortion represents a failure of society to support and empower women to embrace their unborn children; now, therefore, be it

Resolved by the Senate, That we affirm the right to life of every unborn child in this state and our support for the legal protection for each unborn child codified in section 14 of the Michigan Penal Code; and be it further

Resolved, That we exhort the Attorney General, all law enforcement officials, and state regulatory personnel to enforce all laws regulating or limiting the practice of abortion until such time that complete legal protection is restored to unborn children in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General of Michigan. 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, a majority of the members voting therefor.

Senator Lauwers moved to reconsider the vote by which the resolution was adopted.

The motion prevailed.

Senator Lauwers moved that further consideration of the resolution be postponed temporarily.

The motion prevailed.

Senator Lauwers moved that the Senate return to consideration of the following resolution:

Senate Resolution No. 8

The motion prevailed.

The question being on the adoption of the resolution,

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

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

The motion prevailed.

Senator Barrett's statement is as follows:

Before us today is Senate Resolution No. 8, a resolution to affirm the sanctity and value of all human life.

This morning I woke up and it was a brisk 9 degrees outside, yet as I got in my car to drive my kids to school the news was discussing the latest climate change intervention of the new administration. So much has been made about science and data in this last year that I had that on my mind as I listened to this discussion. I was thinking about it, and I realized that there is far more scientific evidence that life begins at conception than there is for manmade global warming. There is far more conclusive scientific evidence that an unborn baby is just as alive in the womb as you or I here today than there is for mask mandates—or even double or triple mask mandates—or economic shutdowns, or cancelling basketball or other school athletics.

At just a few weeks in the womb, a baby's heartbeat begins to beat, and amazingly for some it will continue virtually uninterrupted for 100 years or more. On Monday, my wife and I welcomed our newest son, Louis Charles to the world, and we are so thankful for all of you who reached out with thoughts and congratulations. As a witness to his birth, I can assure you that Ashley and I know that Louis was just as much alive on Sunday evening in the womb, as he was on Monday morning outside.

Carl Sandburg said, "A baby is God's opinion that the world should go on." I think that is a beautiful summary of the importance of the dignity of human life and our job here to protect it.

Senators Bumstead, Victory, Theis, Runestad, LaSata, Nesbitt, Zorn, Stamas and VanderWall offered the following resolution:

Senate Resolution No. 9.

A resolution to request that that the Secretary of State and the Bureau of Elections complete the signature review process for the Unlock Michigan initiative petition.

Whereas, Government must always respond to citizens in a timely and accurate manner. Democracy demands that government serve its citizens with the utmost efficiency; and

Whereas, Over three months ago, on October 2, 2020, Unlock Michigan filed over 500,000 signatures for its petition to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "an act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties"; and

Whereas, Multiple statewide petition proposals from recent years have been processed in less than three months, including some in much less time. The Director of the Bureau of Elections stated in an affidavit that "it takes approximately 60 days to complete the random sampling and challenge process." Secretary of State Jocelyn Benson has said petition review could take 105 days; and

Whereas, When citizens lawfully petition their government in an action of direct democracy, it is imperative that the government act swiftly and sincerely; now, therefore, be it

Resolved by the Senate, That we request that the Secretary of State and the Bureau of Elections complete the signature review process for the Unlock Michigan initiative petition; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of State, the Director of the Bureau of Elections, and the Board of State Canvassers.

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 Elections.

The motion prevailed.

Senator Outman offered the following resolution:

Senate Resolution No. 10.

A resolution to commemorate February 1, 2021, as Blue Star Mother's Day.

Whereas, Blue Star Mothers of America, Inc., is a national organization of mothers whose sons and daughters serve honorably in the nation's armed forces; and

Whereas, Blue Star Mothers of America, Inc., was founded in Flint, Michigan in 1942; and

Whereas, The purposes and activities of Blue Star Mothers of America, Inc., include all of the following:

- Perpetuating the memory of the men and women who have served our country as members of the armed forces;

- Welcoming home returning veterans;

- Visiting wounded veterans in hospitals and rehabilitation centers;

- Assisting in veterans ceremonies;

- Attending patriotic rallies and meetings;

- Maintaining true allegiance to the government of the United States;

- Upholding the American institutions of freedom, justice, and equal rights;

- Caring for the unsupported mothers who gave their sons and daughters to the service of the nation; and

- Providing moral support for members; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate February 1, 2021, as Blue Star Mother's Day; and be it further

Resolved, That we recognize the contributions that Blue Star Mothers of America, Inc., has made to our state and nation.

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 Bayer, LaSata, Polehanki and Wojno were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received and read

Office of the Auditor General

January 26, 2021

Enclosed is a copy of the following report:

- Performance audit report on the COVID-19 Expenditures, State of Michigan (000-2000-20C).

January 27, 2021

Enclosed is a copy of the following report:

- Performance audit report on the State Agencies' Use of Transportation-Related Funding, Michigan Department of Transportation (591-0105-20).

Sincerely,
Doug Ringler
Auditor General

The audit reports were referred to the Committee on Oversight.

By unanimous consent the Senate returned to the order of

Statements

Senators Moss, Runestad, McBroom, Barrett, Hollier and Theis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Moss' statement is as follows:

I'm not sure if anyone here on either side of the aisle felt good yesterday after leaving session. I sure didn't. There is just this continuing disconnect on how we view this pandemic and react to it. And I don't want to chalk it up to just politics, but I can't otherwise pinpoint why, on both sides of the aisle, we're living in two different worlds. So I at least want to share with you the perspective from my world in this last year.

In March, it felt like everyone was coming together in this fight as Metro Detroit became one of the nation's first COVID hotspots and the zip codes with the highest total of cases in Oakland County were in my district. But that feeling of camaraderie and support for one another started to shift just by April. When I was concerned about my constituents, my neighbors, my friends, my family, and my parents, I had to listen to the increasing rhetoric from outside of this chamber and sometimes inside of it of the crises of not being able to play golf or buy seeds or color your hair. Or of course, the crisis of wearing a mask.

And on April 24 it felt to me like you gave up on us. We were called into this chamber for a special Friday session because you decided you had enough of the emergency and wanted to move on. And why? Because, as I heard on this floor, your districts are hundreds of miles away from mine, so why should you be punished because I'm in health crisis? So you engaged in a months-long legal battle to dismantle the emergency law. And while I'm on that subject, I want to correct misinformation that I've heard repeated over and over and over again in this chamber. Governor Whitmer did not act unconstitutionally with the emergency law. The law itself was declared unconstitutional. This 1945 emergency law went unchallenged for 75 years. It was written by Michigan legislators who endured two world wars and themselves survived a 1918 pandemic knowing exactly what emergency authority a Michigan Governor would need. But a partisan court generations later in 2020 threw it out.

The crisis soon extended to heated rhetoric around bowling alleys and movie theatres and restaurants, as if somehow we don't want to go bowling or see a movie or support a local restaurant. Of course I hear from small business owners and employees who are hurting and scared. And we have to find creative solutions to help them survive. But I'm not hearing in my district though from folks who are dismissing the health orders as much as I'm hearing from folks looking for support until this is all over. I've walked restaurant owners through the process of applying for every grant, every loan, every bit of support they could get their hands on. I've ordered a lot of carryout. I have eaten outside during the summer and eaten in tents and igloos in my coat and gloves in the fall and winter. We're trying to make it work. It's just not as contentious in my district as it is in this chamber. We don't have mask fights in my district or rallies against the Governor because we were hit so hard first and we recognize we are in a pandemic.

By October of last year the counties in Michigan with the most new COVID cases per population were not in Metro Detroit. They were hundreds of miles away from me. But I didn't take to the Senate floor to declare that this crisis was over in Oakland County because I knew we couldn't let our guard down. And lo and behold, December was the worst month of COVID spread since the early part of this pandemic. And here we are in January. And I feel like I'm enduring an attempt to erase all of that history in my world. It feels like when I come to work I'm living in bizarro world in which you're mad at the Governor as the health orders are actually opening up indoor dining.

Yesterday you voted to reject a dozen or so of her appointees to critical positions because you say it's a "tool" you have to fight against the Governor. A day later, I still have no idea what that action was supposed to achieve except to further divide us and create more chaos. I think a lot about the quote from Mr. Rogers, that when things get scary, look out for the helpers. Stunts like yesterday didn't help anyone. Our worlds have to come closer together. I want to have a productive two more years to this term, not a miserable two more years and I hope you feel the same. Let's all resolve to focus on solutions.

Senator Runestad's statement is as follows:

Most of us know of a local restaurant in our hometown that is about to go out of business. Restaurants built over decades are shutting their doors and many may never open again. I've spoken with dozens of restaurant owners over the last couple of weeks. Owners like Shelby from Trails Edge Café in Wixom, a single mother of two, put her entire life savings into her business, but since the lockdown she's had to sell her home just to make ends meet.

Lisa Hanlin from Czapski's in Milford was living the American dream, but right now she's having to look her employees in the eye, many of them with special needs, and tell them that they don't have enough work to keep them going much longer. Dave McManamon, owner of Dave and Amy's in White Lake, has taken a night security job, is losing his home, can't refinance his car, and is struggling to keep his employees paid and food on the table.

Fighting the effects of the virus has left the restaurant industry in free-fall. But fighting against the Governor's arbitrary, targeted, and overzealous attacks on the restaurant industry have pushed the restaurant industry to its absolute breaking point. What is mind-boggling is the science does not back up her decisions.

Restaurant transmissions remain incredibly low, and still the administration refuses to show what scientific metrics they are following. The owners that I have talked with made sure they are following social distancing, that customers are wearing masks, increased sanitation practices are followed, and much more. They've invested in safe practices; they did everything right. If a restaurant can open safely and securely, then they should be able to do just that.

At a time when restaurants could use the most help from the Governor, she continues to single them out. Instead of using her own science that shows restaurant transmissions are incredibly low, the Governor has continued her arbitrary and contradictory rules. She let schools, entertainment businesses, hospital cafeterias, busy airlines, and more operate while she keeps the doors closed on restaurants. Although Governor Whitmer has discouraged Michiganders from traveling and attending gatherings during the coronavirus pandemic, she flouted her own injunctions flying to the Washington, D.C. party all the while keeping our restaurants in lockdown.

In the latest decree, a new 25 percent capacity limit with a state-imposed curfew is just the latest kick in the gut to these struggling small businesses as they can barely break even at 50 percent. Getting 25 percent of a life jacket will not keep you above water for long, and allowing restaurants to operate at 25 percent capacity for most restaurants will not keep them solvent.

The issue should be about the science of safe operation, the people, and their livelihoods. We shouldn't be about which group supported which candidate in the race for Governor. This should be about the 15 million restaurant workers nationally and their families. It should be about doing the right and the safe thing. I'd ask the Governor to do the right thing for these Michigan restaurants, their employees, and their communities, and I'd ask that she do it now before it is too late.

Senator McBroom's statement is as follows:

Mr. President, I wanted to speak in reference to the words spoken by my good friend and colleague from the 11th District, and certainly echo the sentiment expressed at the end, about the importance of working together on these things and about not allowing the acrimony to take us away from the important work we have to do. Those words are fantastic, and everyone should hear them.

And I appreciate the opportunity to hear exactly how this situation is being felt, and experienced in the other areas around this state. That's why I wanted to stand up, because that is at the heart, I believe, of why this situation has become so divisive. Because the situation in my district, you mentioned how hot they got in December, that was in my district. Marquette County, Dickinson County, two of the leaders in the nation at the time, and yet the counties across the Upper Peninsula right now are in opposite of the response that your counties, in the 11th District, are still feeling. They're passing resolutions saying, 'We're not doing these things anymore.' That's the attitude and the sentiment of the people in my district who've just experienced what was experienced somewhere else.

And so, this diversity of experience and diversity of conclusion that comes after the experience is the fundamental reason that our nation has chambers like this one, and has chambers like the one to our north, because it brings the representatives of the state together to have the debate and have the discussion and to relay those sentiments from across the state. And in the end, what wins the day, is the majority opinion. The amalgamation of information, the aggregation of opinions come together, and the majority opinion is what is supposed to make that policy. That's what democracy is about. And yet, in this state, to this point, we continue to live in a situation where, by the laws passed, we have allowed for one person to continue to unilaterally determine what is the proper thing to do. Those opinions might even be correct. But they are not democratically established, and we're leaving the people of this state powerless. And when we talk about bipartisanship, and how important it is, the problem right now is that we could ask you for every possible thing we wanted. We in this chamber have even passed things unanimously, just to have them vetoed. It is impossible for this side of the aisle that I'm on to act right now, in a non-bipartisan way, because by the very nature of passing legislation, we need the person on the other side of the aisle to agree with us. And yet, she is able to utilize laws in ways that are not unprecedented to make unilateral decisions. Decisions that are not bipartisan by their very nature.

And so, good words last night about bipartisanship. Good words here about how important it is that we listen to each other. I wanted to share what my district is experiencing, and why the frustration is so high. Why people feel powerless, why people feel left out, because we are not following the very fundamentals of what makes this institution necessary. We could all just as well go home, if every time we try to come to the table, the person says, 'I don't like your ideas, and therefore, I'm just going to continue to do it my own way.' I want to hear what's going on in your district, I want that to influence my decisions. I hope that that's reciprocated for what my district's experiencing, and you hear that we have the same experience. We're all having to live in this nightmare together, whether we agree or disagree.

Senator Barrett's statement is as follows:

I just wanted to officially announce the birth announcement of our son—Louis Charles. He was born on Monday morning and was 10 pounds, two ounces, which I'm told is rather large for a baby. Although we are trying our best to catch up to Senator McBroom, we're not quite there yet, this is baby No. 4 for us. We're very thrilled to have him home. He's named after my great-grandfather, a man named Louis Charles Rabaut who was a Congressman from Michigan—actually a Democratic Congressman from Michigan—who served about two decades in Congress. He is best remembered for adding the words 'under God' to the Pledge of Allegiance in the early 1950s, something my family is very proud of and we're proud to continue that legacy by naming our son Louis Charles. Thank you again for the warm welcome and thanks we got from folks on that. Thank you.

Senator Hollier's statement is as follows:

Colleagues, I was not present at session yesterday because I was home dealing with the funeral arrangements for my aunt. It's always hard to talk about someone you've lost that you love, especially the ones who made a difference and you were never able to say how much they made a difference. So, my aunt Jo was the type of person that felt rough if you didn't know her, but that was because she was like the equivalent of Joe Clark, but as an elementary school principal. If you have seen it on media, you know what that means. She was tough and demanding and required everything out of you. She was the first person to take me to a college on a visit. She was the first person to teach me how to play cards, and when I say teach me how to play cards, she taught me how to play tonk, pinochle, blackjack, spades, and every single game that could be found and it meant a lot.

She was the last of my mom's siblings—the last of her immediate relatives—and it's been hard. It's been hard dealing with this at any time, but especially during a global pandemic when you can't get together and commiserate, you can't go hug each other, where you can't do those kinds of things. Where you have to take turns going through the people you've lost now. You have to look through her bills and all those things and you learn things about them that you didn't know, things that you didn't take time to know about all the charities that she donated to, all the causes that she was involved in and she spent more than 30 years as an educator in Detroit Public Schools and she taught a lot of people. She made a huge difference and when I go out and see folks that say, 'Oh Joan Gibbs is your aunt? She's the reason I'm still in school. She got my crazy cousin sorted out.' That is the legacy of educators. She was an incredibly humble woman; and, when I say humble it is kind of weird because anyone that knew her would consider her a boisterous force of nature. I didn't know she had a Ph.D. until we were doing this stuff and my mom said, 'Yeah, she didn't really talk about it.' I didn't know all the awards and stuff until I had to draft a tribute about my aunt. The idea that I didn't know all the things she had done because to her it didn't matter.

What mattered to her is what I was doing. It mattered whether or not I was working hard enough, it mattered whether she could help me or how she could help me. I think back to my campaign for the Senate, she invited me to her lunches—she has these lunches with retired educators where they eat lunch and play cards. So, we took a photo at La Dolce Vita with about nine or ten of these ladies—all retired educators—and that is the photo I used. That is the photo where I think about her. I got a call from one of my Black club leaders when that piece went out and he said, 'This is the best piece of mail I've ever seen. These are some good looking ladies. I would like to date some of them.' Then, I had to check because my aunt is holding my shoulders in support of me in that moment and I know that is what she is going to be doing forever. She is going to be holding me and looking forward and encouraging and that's what we have.

Tomorrow we are going to have a funeral that will be unlike any funeral that any of us have had to attend because I will be one of 20 people because that is what capacity is. We aren't going to have a repast because the friends we know who have had them have had them had COVID outbreaks. It's just crazy. There is no good way to deal with these moments except to cleave to the people you love and you care about and we can't do that this year. We can't do that now and it hurts, it's terrible. It is the worst feeling in the world to not be able to run to my mom and give her a hug and say, 'I love you and I'm going to be here,' but I couldn't and I can't and I don't know when we're going to be able to. But, God, if we could just reach out to the people we love, if we could just tell them we care, if we could do those kinds of things because she was on my list of people to call. She had taken her phone—she was in the nursing home—and I was going to call her tomorrow, and work came up and I didn't call her. In these moments there is so much stuff to be done with the time we have with the people we love is so limited, so finite, especially in these times. The issues and things that we think are so big are not that important. I hope that we spend that time reaching out to the people we care about, the relationships that matter and the people we love because I lost someone I will never be able to talk to again.

Senator Theis’ statement is as follows:

So I listened to the speech last night and heard ‘bipartisanship’ over and over and over again. So it brings to mind just a fundamental question: what does bipartisanship actually mean? And I’m learning, from some, that it means that we all sit down and have a conversation. What I’m learning from others what it means is one set of opinions sits down and shuts up while the other side of opinions is made to move forward. And we see that all over the place, right? You see it on a federal level and on a state level. We see it from both sides. What bipartisanship does not mean is that we all have to fall in line and subjugate ourselves and the voices of our constituents to a unilaterally-acting executive. It means a conversation, not dictation. So I welcome everyone who is actually interested in having a bipartisan conversation. Please, I’m open to that. But please don’t expect bipartisanship to mean that I sit down and shut up and do exactly what you want. I am here advocating for the voices of my constituents and I will continue to do so.

Announcements of Printing and Enrollment

The Secretary announced that the following bills, joint resolution, and resolutions were printed and filed on Wednesday, January 27, and are available on the Michigan Legislature website:

Senate Bill Nos.	47	48	49	50	51	52	53	54	55	56	57		
Senate Joint Resolution		C											
Senate Resolution Nos.		6	7										
House Bill Nos.	4025	4026	4027	4028	4029	4030	4031	4032	4033	4034	4035	4036	4037
	4038	4039	4040	4041	4042	4043	4044	4045	4046	4047	4048	4049	4050

Committee Reports

The Committee on Education and Career Readiness reported

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.

(For text of resolution, see Senate Journal No. 3, p. 69.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to urge the Governor and the Michigan Department of Health and Human Services to lift the suspension on high school and youth 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 and youth 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 21 – 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 and youth 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 and youth 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 and youth 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 and youth 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.

Lana Theis
Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad, Daley, Polehanki and Geiss

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Thursday, January 28, 2021, at 9:00 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators Theis (C), Horn, Runestad, Daley, Polehanki and Geiss

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Veterans submitted the following:

Meeting held on Wednesday, January 27, 2021, at 3:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Bizon (C), Runestad, Johnson, Zorn, Bullock and Alexander

Excused: Senator Barrett

Scheduled Meetings

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

Education and Career Readiness and House Education – Tuesday, February 2, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5314

Energy and Technology – Tuesday, February 2, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 11:33 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, February 2, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

