

No. 8  
STATE OF MICHIGAN  
**Journal of the Senate**  
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**REGULAR SESSION OF 2021**

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Senate Chamber, Lansing, Tuesday, February 9, 2021.

10:00 a.m.

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

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

Alexander—excused  
Ananich—present  
Barrett—present  
Bayer—present  
Bizon—present  
Brinks—present  
Bullock—present  
Bumstead—present  
Chang—excused  
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 Dayna Polehanki of the 7th District offered the following invocation:

“May all beings everywhere plagued by sufferings of body and mind obtain an ocean of happiness and joy by virtue of my merits.

May no living creature suffer, commit evil, or ever fall ill. May no one be afraid or belittled, with a mind weighed down by depression.

May the blind see forms and the deaf hear sounds, may those whose bodies are worn with toil be restored on finding repose.

May the naked find clothing, the hungry find food; may the thirsty find water and delicious drinks.

May the poor find wealth, those weak with sorrow find joy; may the forlorn find hope, constant happiness, and prosperity.

May there be timely rains and bountiful harvests; may all medicines be effective and wholesome prayers bear fruit.

May all who are sick and ill quickly be freed from their ailments. Whatever diseases there are in the world, may they never occur again.

May the frightened cease to be afraid and those bound be freed; may the powerless find power, and may people think of benefiting each other.

For as long as space remains, for as long as sentient beings remain, until then may it too remain to dispel the miseries of the world.”

The President pro tempore, Senator Nesbitt, led the members of the Senate in recital of the *Pledge of Allegiance*.

### **Motions and Communications**

Senators Ananich and Shirkey entered the Senate Chamber.

Senator Polehanki moved that Senator Geiss be temporarily excused from today’s session. The motion prevailed.

Senator Polehanki moved that Senators Alexander, Chang and McMorrow be excused from today’s session.

The motion prevailed.

### **Messages from the Governor**

The following message from the Governor was received on February 4, 2021, and read:

EXECUTIVE ORDER  
No. 2021-2

#### **COVID-19 Student Recovery Advisory Council**

##### **Executive Office of the Governor**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. COVID-19 has already taken the lives of more than 14,000 Michiganders and fundamentally disrupted our way of life. Education is no exception.

Michigan’s educators have worked tirelessly to teach our children during this pandemic under the most stressful conditions, and we owe them our most sincere gratitude. Despite these heroic efforts, we know that many students have struggled with remote learning, resulting in significant learning loss. Schools also provide other services that students need to thrive including reliable access to the internet, nutritious meals, and mental health supports. COVID-19 has exacerbated inequities in our education system, and we know more work is needed to address the significant impact COVID-19 has had on our children.

On June 12, 2020, I launched the Return to School Advisory Council which developed a framework to inform K-12 districts planning for the 2020-2021 school year. On December 11, 2020, the U.S. Food and Drug Administration issued an emergency use authorization for the first COVID-19 vaccine and on January 11, 2021 the Michigan Department of Health and Human Services prioritized educators for vaccine distribution in Michigan. With a return to normal in sight, we must plan for recovery.

Building on the success of the Return to School Advisory Council, the formation of an advisory group focused on student recovery will provide valuable guidance and recommendations and ensure Michigan has the tools and resources to get students back on track.

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

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 also obligates the governor to take care that the laws be faithfully executed.

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

**1. Creating the Student Recovery Advisory Council**

(a) The Student Recovery Advisory Council (“Council”) is created as an advisory body within the Department of Technology, Management, and Budget (“Department”).

(b) The Council must consist of 29 members. These members must be appointed by the governor and reflect the diverse geographic and demographic composition of this state. Membership must include school leaders, educators, individuals with expertise in public health, pediatrics, mental health, and community members (including at least one parent and one student).

(c) A vacancy on the Council must be filled in the same manner as the original appointment.

(d) The Governor must name a chairperson of the Council.

**2. Charge to the Council**

(a) The Council must act in an advisory capacity to the governor and must do the following:

(1) Develop and submit recommendations to the governor, state superintendent, and state budget director regarding student recovery.

(2) Recommend actions to develop and improve systems for academic support for students who experienced learning loss due to COVID-19.

(3) Recommend actions to develop and improve systems for mental and physical health for students impacted by COVID-19.

(4) Recommend actions to develop and improve systems to support high school students transitioning into postsecondary education.

(5) Recommend actions to develop and improve out-of-school time supports, including, but not limited to, summer school, before and after school programs, and extended school years.

(6) Assemble critical voices from the education and public health communities to assist in identifying key challenges students face due to the pandemic.

(7) Provide other information or advice or take other actions as requested by the governor.

(b) The Council must report regularly to the governor on its activities and make ongoing recommendations.

(c) The Council will dissolve on December 31, 2021, or such other time as the governor directs.

**3. Operations of the Council**

(a) The Department must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the Department.

(b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(c) The Council must meet at least monthly.

(d) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(e) The Council may select from among its members a vice chairperson.

(f) The Council may select from among its members a secretary. Council staff must assist the secretary with recordkeeping responsibilities.

(g) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.

(h) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its members.

(i) The Council may establish advisory workgroups composed of individuals or entities participating in Council’s activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(j) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts to perform its duties, including experts in the private sector, educators, public health experts, community leaders, government agencies, and institutions of higher education.

(k) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Department deems advisable and necessary, consistent with this order and applicable law, rules, and procedures, subject to available funding.

(l) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(m) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(n) Members of the Council must refer all legal, legislative, and media contacts to the Executive Office of the Governor.

**4. Implementation**

(a) All departments, committees, commissioners, or officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

(e) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: February 4, 2021

Time: 10:45 a.m.

[SEAL]

Gretchen Whitmer  
Governor

By the Governor:  
Jocelyn Benson  
Secretary of State

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

**Recess**

Senator Lauwers moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:06 a.m.

11:21 a.m.

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

During the recess, Senator Geiss entered the Senate Chamber.

**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 pro tempore, Senator Nesbitt, designated Senator Hollier as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 16, entitled**

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 125 (MCL 125.525), as amended by 2016 PA 14.

Substitute (S-1).

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

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

**Senate Bill No. 10, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 8 (MCL 15.268), as amended by 2018 PA 467.

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.

### **Introduction and Referral of Bills**

Senators Hertel, Moss, Polehanki, Geiss, Chang, Alexander and Brinks introduced

**Senate Bill No. 110, entitled**

A bill to establish the Conquering CHD fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Senators Hertel, Moss, Polehanki, Geiss, Chang, Alexander and Brinks introduced

**Senate Bill No. 111, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2018 PA 258.

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

Senators Brinks, Hollier, Lauwers, Horn, Wojno, Bullock, Alexander, Hertel, Geiss, Polehanki, Santana, Ananich, Moss, Chang, Bayer, McCann, VanderWall, Runestad, Irwin, MacDonald and Schmidt introduced

**Senate Bill No. 112, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as amended by 2012 PA 184.

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

Senator Runestad introduced

**Senate Bill No. 113, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 261.

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

Senator Stamas introduced

**Senate Bill No. 114, 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.

**House Bill No. 4019, 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 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 Appropriations.

**House Bill No. 4047, 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 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 Appropriations.

**House Bill No. 4048, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2020 PA 165, and by adding sections 11n, 23b, 23c, 23d, 98b, and 104a.

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 Appropriations.

**House Bill No. 4049, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453), section 2253 as amended by 2006 PA 157, and by adding section 2453a.

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 Appropriations.

### Statements

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

The motion prevailed.

Senator Runestad's statement is as follows:

Citizens of Michigan, I suspect this morning I will ruffle some bipartisan feathers. The issues I will address today are bipartisan because they have been unaddressed by Legislatures and administrations for decades, regardless whether the Republicans had total control as under Snyder, or the Democrats under Granholm. Nothing seems to change because the system benefits the system but not you, not the people. These issues I will address today are those of ethics and transparency. Michigan has consistently ranked 50th out of 50 in the nation for transparency. And, dear voter, this is nothing new. It has been going on decade after decade, decade after decade. However I see with great pleasure that the new Speaker of the House, and supported by the Senate Majority Leader, is taking up these very issues and is proposing financial disclosure statements to bar members from voting on bills where they would personally, substantially benefit.

We are one of just two states that have nothing on the books requiring financial transparency. The House is also putting forward a resolution requiring a two-thirds vote on bills introduced during the lame duck session. Voter, the lame duck session is a term used for the last weeks of session wherein many bills that did not pass up to that point as well as a potential boat-load of new bills can all be steamrolled through in a tsunami that benefits the system but perhaps not you. Again, dear voter, this embarrassment has existed across the partisan divide as long as anyone can remember. Further, it is not just a Legislature problem. Governors also love lame duck, as they can insert in secret backroom negotiations a glut of their own pet projects and agenda items. Bills with merit can and should move along in an orderly process over a two-year timeframe and should not be subject to last-minute secret backroom negotiations and then gushed out as from a firehose onto the legislative floor. Voter, lame duck has always been a private club and, voter, you ain't in it.

Another mockery of our system is allowing legislators to walk right out the revolving door when their terms are up and immediately begin working as high-paid lobbyists. Michigan is one of only 12 states with no waiting period. When in the House and now the Senate, I unsuccessfully tried to pass bills requiring a

wait period of two to three years before a legislator can take a job as a lobbyist. A legislator's vote can have great power in determining a bill's outcome but even more so as a committee chair. This massive power should not enable them to leave and begin directly lobbying for the very industries that they oversaw. Now perhaps there was no quid pro quo, but how in the hell is the public to know? Illustrating this concern, after last session we saw legislators walk directly out the door and right into a lobbying firm. In one case directly lobbying an industry he oversaw as committee chair. And if you can believe it, we even had one who was both a paid lobbyist and a legislator both at the same time.

The public's perception must end politicians converting their public positions into personal payoffs. The people want the Legislature and the Governor's office to seize this opportunity to pass these long overdue reforms that would elevate us from the absolute swampy, bottom-of-the-barrel to the top to the best, to becoming the city on a hill. I sincerely hope, for the people of Michigan, that we take this historic opportunity to restore pride in the hearts of the people here in the state of Michigan. Colleagues, I can assure you, the people have had enough. They've had enough of the swampy cesspool. They've had enough of the incessant talking and promises. They have had enough of hoping government would clean up this mess. They want action and they want it now. And I, for one, will not stop talking and advocating for these reforms until we get it done.

Senator Stamas' statement is as follows:

I rise today in honor of Black History Month and in recognition of Bettye Washington Greene.

Dr. Greene was born and raised in Texas and graduated from the Tuskegee Institute of Alabama in 1955. Dr. Greene earned her Ph.D in physical chemistry from Wayne State University in Detroit. She then joined the Dow Chemical Company in Midland in 1965. She was the first African American woman Ph.D chemist to work in a professional position at Dow. Dr. Greene researched latex and polymers and was considered one of the pioneers in the science. In 1970, Dr. Greene was promoted to senior research chemist at Dow Chemical. In 1973, she joined Dow Chemical's Designed Polymers Research Division and was promoted to the position of senior research specialist in 1975. She continued to work for Dow Chemical until her retirement in 1990. Dr. Greene published several papers and filed several patents during her career at Dow. After decades of contribution to the science of polymers, she passed away in Midland in 1995.

It is my pleasure to take a few moments to recognize an amazing woman that contributed not only to a science, but to our communities and is recognized across the state.

### **Announcements of Printing and Enrollment**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 4:

**House Bill Nos. 4019 4047 4048 4049**

The Secretary announced that the following bills and resolutions were printed and filed on Thursday, February 4, and are available on the Michigan Legislature website:

**Senate Bill Nos. 101 102 103 104 105 106 107 108 109**

**Senate Resolution Nos. 11 12**

**House Bill Nos. 4122 4123 4124 4125 4126 4127 4128 4129 4130 4131 4132 4133 4134  
4135 4136 4137 4138 4139 4140 4141 4142 4143 4144 4145 4146 4147  
4148 4149 4150 4151 4152 4153 4154 4155 4156 4157 4158 4159 4160  
4161 4162 4163 4164 4165 4166**

### **Committee Reports**

#### **COMMITTEE ATTENDANCE REPORT**

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, February 4, 2021, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Nesbitt (C), Bumstead and Hertel

Excused: Senator McBroom

#### COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on K-12 and Michigan Department of Education submitted the following:

Meeting held on Thursday, February 4, 2021, at 12:00 noon, Room 403, 4th Floor, Capitol Building  
 Present: Senators Schmidt (C), Outman, Daley, Theis, Bayer and Polehanki  
 Excused: Senator Bumstead

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, February 4, 2021, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
 Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Santana and Wojno  
 Excused: Senator Hertel

#### COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Military and Veterans Affairs/State Police submitted the following:

Meeting held on Thursday, February 4, 2021, at 1:00 p.m., Room 1300, Binsfeld Office Building  
 Present: Senators Barrett (C), Runestad and Hollier

#### COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Thursday, February 4, 2021, at 3:00 p.m., Room 1300, Binsfeld Office Building  
 Present: Senators Victory (C), Daley and McCann

#### Scheduled Meetings

**Advice and Consent** – Thursdays, February 11, February 18, and February 25, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5314

**Appropriations** – Thursday, February 11, 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

##### Subcommittees –

**Corrections and Judiciary** – Wednesday, February 10, 11:30 a.m. or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

**General Government** – Wednesday, February 10, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-2768

**Universities and Community Colleges** – Thursday, February 11, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

**Families, Seniors, and Veterans** – Wednesday, February 10, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

**Health Policy and Human Services** – Thursday, February 11, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323



Senator Lauwers moved that the Senate adjourn.  
The motion prevailed, the time being 11:44 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, February 10, 2021, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate

