

No. 17
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Tuesday, March 2, 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 Paul Wojno of the 9th District offered the following invocation:

Father, we seek Your help with our legislative affairs this morning, and we ask for Your hand of blessing on this session day as we work through this global pandemic. Bless our Governor, our Lieutenant Governor, and all those who serve as elected officials. Bless our health care providers, first responders, educators, and everyone who continues to serve others before themselves. May You provide comfort to those who are sick, who have lost a loved one, or faced persecution during this time because of their race, ethnicity, or orientation. We ask that You would guide and direct the Senate in productivity, respect for one another, and agreement in providing safety and security for the citizens of our state. Amen.

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

Senators Irwin and Theis entered the Senate Chamber.

Motions and Communications

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

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

Senator Lauwers moved that Senators Schmidt, Shirkey and Stamas be temporarily excused from today's session. The motion prevailed.

The following communications were received:
Office of Senator Jeff Irwin

February 18, 2021

I request to be added as a Co-Sponsor to Senator Chang's Senate Bill 65. If you have any questions, please feel free to contact my office.

February 18, 2021

I request to be added as a Co-Sponsor to Senator Santana's Senate Bill 75. If you have any questions, please feel free to contact my office.

Sincerely,
Jeff Irwin
State Senator – District 18

The communications were referred to the Secretary for record.

Senators Geiss, 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 10:04 a.m.

11:04 a.m.

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

During the recess, Senators Schmidt, Shirkey and Stamas entered the Senate Chamber.

Recess

Senator Lauwers moved that the Senate recess until 2:30 p.m.
The motion prevailed, the time being 11:05 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Nesbitt.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Hertel, Polehanki, Geiss, Bullock, Chang, Alexander and McCann introduced

Senate Bill No. 192, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1171 (MCL 380.1171), as added by 2006 PA 324.

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

Senators Hertel, Polehanki, Geiss, Chang, Bullock, Alexander and McCann introduced

Senate Bill No. 193, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1310b (MCL 380.1310b), as amended by 2016 PA 362.

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

Senator LaSata introduced

Senate Bill No. 194, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18107 (MCL 333.18107), as amended by 2019 PA 96.

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

Senator Nesbitt introduced

Senate Bill No. 195, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 691 (MCL 206.691), as amended by 2014 PA 14.

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

House Bill No. 4247, entitled

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition grant act," by amending sections 2 and 3 (MCL 390.1242 and 390.1243), section 2 as amended by 2016 PA 295 and section 3 as amended by 2012 PA 470.

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.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:34 p.m.

2:43 p.m.

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

Senator Lauwers moved that the Committee on Appropriations be discharged from further consideration of the following bills:

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.

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 motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Lauwers moved that the Committee on Government Operations be discharged from further consideration of the following bill:

Senate Bill No. 1, entitled

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

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Lauwers moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4048

House Bill No. 4049

Senate Bill No. 1

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

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:46 p.m.

4:12 p.m.

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

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 pro tempore, Senator Nesbitt, designated Senator MacDonald 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:

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.

Substitute (S-3).

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. 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.

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 amendment, the following bill:

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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 5, line 1, by striking out all of enacting section 1.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 1, entitled

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

Substitute (S-1).

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

1. Amend page 2, line 23, after “**days**,” by striking out “**an**” and inserting “**both of the following apply: (a) An**”.

2. Amend page 2, following line 26, by inserting:

“(b) **The director shall not issue a new emergency order based on the same epidemic for which the emergency order was issued under section 2253 unless the order is approved by resolution of both houses of the legislature.**”.

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 bills, now on Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4047

House Bill No. 4048

House Bill No. 4049

Senate Bill No. 1

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

Third Reading of Bills

The following bill was read a third time:

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 question being on the passage of the bill,
Senator Irwin offered the following amendment:

1. Amend page 15, line 2, by striking out all of lines 2 through 6.

Senator Chang requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 33

Yeas—15

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

Nays—20

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

Excused—1

McMorrow

Not Voting—0

In The Chair: Nesbitt

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. 34

Yeas—34

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

Nays—1

Barrett

Excused—1

McMorrow

Not Voting—0

In The Chair: Nesbitt

The President, Lieutenant Governor Gilchrist, resumed the Chair.

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.

Senators Irwin 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 Irwin's statement is as follows:

This budget bill provides critical funding for our residents—funding that is needed to prevent evictions and homelessness, funding needed to re-open schools, deliver vaccines, feed the hungry, support our workers and businesses—but, embedded in the bill is a political poison pill, meant to spark a veto and continue the political fight with the Governor that seems to useful to the majority and that I can't seem to understand.

My amendment that I'm offering now strikes the tie-bar to Senate Bill No. 1 and removes this poison pill from the bill so that this relief can flow more quickly to our residents. My amendment is an attempt to end the seemingly unending war of ultimatums and reprisals and new ultimatums and new reprisals, and simply get this help to the people we're supposed to be here to work for. My amendment is an effort to put our people first and to get our needy residents out from the middle of this political crossfire. I'm asking my colleagues to support my amendment because the crisis is now and the need is now. Let's put our people before politics. Let's get rid of this poison pill. Let's stop this never-ending carousel of ultimatums and reprisals and just get to work delivering the support that Congress sent to the people in our state in need.

Senator Stamas' statement is as follows:

Today we are passing a supplemental that gets more shots into arms, more testing for our children and seniors, gets out much-needed rental assistance, increased assistance to SNAP, and increasing support for our direct-care workers. It also helps our local businesses and continues to work toward a recovering state. I would ask for a "yes" vote for this supplemental.

The following bill was read a third time:

House Bill No. 4048, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 21f, 31n, and 167 (MCL 388.1611, 388.1621f, 388.1631n, and 388.1767), sections 11 and 31n as amended by 2020 PA 165, section 21f as amended by 2020 PA 147, and section 167 as amended by 2013 PA 122, and by adding sections 11n, 11o, 11r, 23b, 23c, 23d, 23e, and 104a.

The question being on the passage of the bill,

Senator Bayer offered the following amendments:

1. Amend page 4, line 20, after "**116-260.**" by striking out the balance of the line through "**governor.**" on line 24.
2. Amend page 6, line 25, after "**and**" by striking out the balance of the page through "**received**" on line 2 of page 7.
3. Amend page 7, line 2, after the first "**(3)**" by striking out the balance of the page through "**applicable**" on line 4 of page 7.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 35

Yeas—15

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

Nays—20

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

Excused—1

McMorrow

Not Voting—0

In The Chair: President

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. 36

Yeas—31

Alexander	Geiss	McBroom	Shirkey
Ananich	Hertel	McCann	Stamas
Barrett	Hollier	Nesbitt	Theis
Bizon	Horn	Outman	VanderWall
Brinks	Johnson	Polehanki	Victory
Bullock	LaSata	Runestad	Wojno
Bumstead	Lauwers	Santana	Zorn
Daley	MacDonald	Schmidt	

Nays—4

Bayer	Chang	Irwin	Moss
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Excused—1

McMorrow

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Bayer’s statement is as follows:

This amendment will break the tie-bar to House Bill No. 4049. House Bill No. 4049 is dangerously irresponsible. Our Department of Health and Human Services is fundamentally responsible for public health across the state, including managing a pandemic. Taking that responsibility away from the people who have the expertise, the experience, and the knowledge to make good decisions on these critical questions shows a disregard for the facts and for the health and safety of our children. Putting the burden on local school boards—these are parents who care about their kids and their kids’ education; these are not scientists, these are not public health experts, they are in no way qualified to make decisions that impact the public health—it’s an unfair burden on them. It is dangerously irresponsible and it puts our children at risk. I urge my colleagues to vote on this amendment to break the tie-bar to House Bill No. 4049.

The following bill was read a third time:

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 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. 37**Yeas—20**

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

Nays—15

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

Excused—1

McMorrow

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”

The Senate agreed to the full title.

Protests

Senators Irwin, Bayer, Polehanki, Moss, Alexander, Ananich, Bullock and Geiss, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4049.

Senator Irwin moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Irwin’s statement, in which Senators Bayer, Polehanki, Moss, Alexander, Ananich, Bullock and Geiss concurred, is as follows:

I like local control. I like the idea that we have the Home Rule City Act and we’ve enshrined local control in our Constitution, but I just want to point out that as much as I like local control, we’re dealing with an airborne, respiratory virus. This pandemic that was caused by an airborne, respiratory virus does not lend itself well to a balkanized, disorganized response like we’ve had in this country, which is at the heart of our failure, and this bill would guarantee that failure would continue in any future public health disaster. That’s why I’m voting “no.”

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

The motion prevailed.

Senator Nesbitt’s statement is as follows:

I rise in support of House Bill No. 4049. In a few short weeks, many of Michigan’s children will have been out of their classrooms for a full calendar year. This even as much-touted experts like Dr. Anthony Fauci

were insisting as early as Thanksgiving that it was safe for kids to be back in school across the state and across our nation. However, apparently, our Governor, who insists she’s guided by science and data, doesn’t follow the science and data. Her confounding decisions to keep schools closed months longer than necessary is just one more example of her mismanagement of this pandemic, but it is one that will have real lasting effects on Michigan’s children.

Billions of taxpayer dollars, some of which were appropriated today, will now be spent in the hopes of limiting learning loss and tackling the spike in mental health problems among students. So much of this could have been avoided if our Governor had chosen to work with members of this Legislature after the highest court in our state struck down her emergency orders last year. But instead of rolling up her sleeves and doing the hard work together, she focused instead on finding another way to bypass a co-equal branch of government, bypass us, legislators representing millions of people across the state. Instead of issuing orders herself which the court declared unconstitutional, the Governor simply had her health director do it. It was a loophole only a lawyer would love.

It’s disappointing that there’s even a need for House Bill No. 4049, but we must close this loophole to make sure no Governor tries to exploit it again. This bill ties actual science and data to school closures and empowers local health departments to determine what’s best for their students and communities. Instead of bureaucrats in Lansing who get six-figure taxpayer-funded confidentiality settlements or hush money, I ask the party and the Governor who claim they follow the science and data to join me in supporting this bill that does just that.

The following bill was read a third time:

Senate Bill No. 1, entitled

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

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. 38

Yeas—20

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

Nays—15

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

Excused—1

McMorrow

Not Voting—0

In The Chair: President

Senator Lauwers moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

The Senate agreed to the title of the bill.

Protests

Senators Irwin, Hollier, Alexander, Bullock, Geiss, Bayer, Chang, Wojno, Polehanki, Brinks, McCann, Moss, Ananich and Santana, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1.

Senator Irwin moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Irwin’s statement, in which Senators Hollier, Alexander, Bullock, Geiss, Bayer, Chang, Wojno, Polehanki, Brinks, McCann, Moss, Ananich and Santana concurred, is as follows:

I’m going to ask that before you press the button to vote today, you ask yourself a question. Here we are, a year into this. We’re all frustrated, maybe for different reasons. I think we’re all frustrated that this pandemic continues and that our response activities must continue, but in your frustration I want you to ask yourself, Why has the United States of America been such a failure in addressing this pandemic when so many other nations have succeeded where we have failed? Well, in so many other nations across the world, kids are back in school, sports are going, people are at restaurants, if they’re in a warmer climate they’re enjoying a sidewalk café that maybe here has limited capacity.

But who is it that you’re blaming? Who is it that you’re shaking your fist at? Are you shaking a fist at the public health professionals who are trying to save lives and get us back on track? Or are you shaking your fist at the people who don’t want to comply with the rules, who don’t want to wear a mask, who flaunted the rules and who’ve caused this virus to bounce around our country uncontrolled for a year now? Before you press that button, blaming the people who are trying to help end this pandemic, I want you to ask yourself, Why has our nation failed where so many others have been successful? I would submit to you that it’s because of our disorganized, ham-handed, balkanized response. We had no national strategy. We had a state-by-state strategy, and as a result, here we are, still dealing with this a year later.

Nobody likes this; we’re all frustrated, but we’re frustrated for slightly different reasons. I’m frustrated that instead of just helping our people, we’re still here arguing, saying that the Legislature ought to be in charge of this, that we ought to put politicians in charge instead of public health professionals when we all know that this Legislature couldn’t even pass a mask requirement. The majority here couldn’t even rally around the simplest, most effective proven public health measure.

Now you want to put this Legislature in control of our pandemic response? There’s a reason why Legislatures long ago put public health professionals and not politicians in charge of pandemic response. It’s exactly the behavior that we’ve seen in this room for the last year, people responding to politics, not public health. People who are unwilling to even adopt a simple masking requirement. That’s why we’re still here. That’s why we’re still dealing with this pandemic a year later.

I would ask you to vote “no” on this bill. This bill is bad for public health, and any bill that puts politicians ahead of public health experts is a bad plan for our people and it’s a recipe for continuing this pandemic and continuing this failure that we all say we’re frustrated by.

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

The motion prevailed.

Senator Theis’ statement is as follows:

One year ago this month Governor Whitmer first issued her temporary emergency orders that limited personal behavior and private business in the name of public health. In the early days of the pandemic we could arguably see good reason for some of these orders. We knew little about the virus and we needed to flatten the curve for our hospitals, or so we’d been told. But many months after the curve was flattened and the vaccines were developed, Governor Whitmer is still trying to govern alone, by press conference and by press release. When the Supreme Court struck down her orders as unconstitutional, our Governor didn’t reach out to work with 148 elected officials in this building. No, she simply had an unelected employee issue those same orders instead. And while I congratulate the former health director for being one of the few Michiganders who seemed to easily get some, we’ll call it unemployment money, out of the Whitmer administration, it’s elected officials, not bureaucrats, who should be making these critical decisions for the people we represent. The Constitution says as much and so did our Supreme Court.

Mr. President, Senate Bill No. 1 will require the state health director to receive legislative approval to extend an emergency order beyond 28 days just like the courts said the Governor must do. And since our Governor insists that her decisions are made using science and data, the substitute we adopted requires that that the health director make public the data and metrics she used to make that decision, the question we've been asking this whole time. I urge your support on Senate Bill No. 1.

Senator McBroom's statement is as follows:

It's an important point, I think, that needs to be raised after the remarks by my predecessor. Nobody that I'm aware of on this side of the aisle or anywhere else is talking about putting this body in charge of the pandemic response. Nobody believes that the Legislature should be in charge. But you know who's supposed to be in charge, and the inconvenient truth is that the people are supposed to be in charge in this country. Yeah, that's different. You know what, I can find a lot of things that work better in China than work in America, because here we believe that the people are in charge.

Our Constitution says that "...the legislative power of the State of Michigan is vested in a senate and a house of representatives." This is where it's supposed to be. This is where the voice of the people comes to life. This is where the voice of the people takes charge, and its an inconvenience, and it doesn't always get it right, but it is the truth and it is the amazing truth of how our country works. Freedom, liberty, the opportunity for the people to have control over their own destiny, to make the mistakes, to get it right, and to sacrifice that for any cost is antithetical to the very nature, the very founding, of this country and of this state. We must concede control of every issue to the people, and the people have vested that authority here.

That's why Senate Bill No. 1 or other attempts to plant that flag again and again and again are so critical, because we are pushing that whole foundation of this nation down right now out of fear. We're pushing it down out of convenience. We're pushing it down to make a point that says, "We can do it better than you. We know better than you. We care about you. Trust us." But when in the history of humanity can we look back and say that when leaders took power from the people, that they later just gave it back?

If we don't continue to drive that message and in particular if we don't stand up for the sanctity of this branch of government, in antagonism to the other branch, we will jeopardize our very future's ability to continue to speak for freedom and liberty for the people. So, I ask for your support for this bill. I ask that we continue to plant that flag. Not one that says, We know better, not one that says, We can do it better, but one that says, Our job is to speak for the people, and if the people want a mask mandate, we'll vote on it; if the people want to close restaurants, we'll vote on it; if the people want a curfew, we'll vote on it.

We're not taking away all the emergency and quick response here. There's still time for those things, and we need that. The executive needs those things. Nobody's denying that, least of all me. I supported the executive at the beginning when they needed that power and speedy response, but it's been a year. How long can an emergency draw on? When in the course of American history did we suspend the legislative influence on the policymaking? Not during any war, not during any past epidemic. Colleagues, we have to stand in antagonism against executive overreach and this is our latest attempt to do so. I ask that you vote "yes."

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Bullock's statement is as follows:

Some folks just don't believe fat meat is greasy. It's like an "I told you so." Sixteen members of our caucus said it. Silence makes you complicit when you sit on the sidelines in the face of injustice. Colleagues, sometimes I hear points of view from across the aisle that make me laugh in horror at entitled ideology or laugh from ridiculousness. Other times I hear a different perspective that challenges me to think and doing so I have to take another perspective. However over the past year, especially the last few weeks, I've been befuddled by the exchange of nonsense in this chamber. So I'm going to try and touch several topics real quick rather than come up here every day and touch on each.

I know every now and then my hometown can truly be Detroit versus everybody. But over the last few years, Detroit hasn't been fighting anybody. So the excuse and explicit bias shown should be gone, and yet it says a lot about many of you getting up trying to whip up or blame my home and challenge social justice over who's getting the vaccine. First, all of you wanted to ignore the virus, in silence, overthrow the Governor at every turn with no solutions based in any reality. You condoned thugs running amok through our hallowed halls here at the Capitol in silence. Build a wall around the negroes in Detroit while Black people were still dying at a faster rate all over the state and in some of your own districts where you've refused to release federal dollars until today like it's your own money. Or is that what you want—the Thanos theory.

Now you want equality while denouncing the social equity index, disparaging social engineering as a bad thing when the colored folks get some service or is social engineering only a good thing when the white race wins? Social engineering is redlining the Black community into generational poverty. Social engineering is depriving equitable funding to disadvantaged students in Black school districts like Detroit, Flint, Saginaw, and Benton Harbor. Social engineering is racial profiling. Social engineering is killing Black men for simply being Black. One of you got up and demanded that the Governor open up the state and let the adults be adults. Those same adults put on a minstrel show on the Capitol steps. Those same adults arrested a Black man for collecting petition signatures. Those same adults called the police on me, a suspicious Senator, for campaigning with a young Black man to suppress the vote in St. Joseph. In silence, those same adults come to both chambers, committees, and super spreader events not wearing masks during a national—no, a global—pandemic, so stop blaming the Governor for an act of nature that has devastated the country and the world. Just stop it. Hell, several of you contracted the virus but tried to keep it a secret despite your own negligence.

Next, stop saying Black people can't count. Stop saying Black people in Detroit or Wayne County or anywhere can't count or that dead people voted. Stop this divisive message of election improprieties and just tell your district the truth. If you believe that the election was riddled with fraud, we have to recheck your elections. Those cycles had more discrepancies than the '20 election and we can make a case that you were here through fraud.

Stop playing budget hostage games, then saying, Open up the state. You know without it we can't open safely, test our seniors, and assisted living sites so people can visit loved ones or continue to let them play sports safely without proper testing to participate. Now the speaker on Let Them Play made some eloquent points on why sports is vital to the mental health and development of our children. Yet he and many of the colleagues continue to vote to cut funding in the Black community's educational system so the schools can't afford to play sports, have music or art—or is this philosophy just for the white kids or the white kids who can afford to play?

So as I hear all these calls for unity, these calls for common sense, these calls for healing—all things my caucus has called for daily for a year—stop these stories of a season of hardship and oppression due to a plague. While the Governor is saving lives, many of you in this Legislature and your predecessors have implemented laws that continue a legacy of disenfranchising and imposing a hardship to the Black and brown communities that we have endured for over 450 seasons and I don't see you fighting to make that right. So if you want to move forward, quit being silent when your own colleagues are inappropriate. If you want to heal as a Legislature, then quit being complicit. Just stop. And for the record, the people voted for Governor Whitmer. And I'm gone.

Senator Runestad's statement is as follows:

I rise today to offer an explanation of my vote on the budget today. I voted "yes" on the supplemental budget because Michiganders need relief. Folks are struggling under the devastated economy, a broken unemployment system, and are struggling just to get by. They need help and they want us to give them some help.

But this bill is far from perfect. At a time when our seniors, those who are truly at risk of COVID-19 needed the help most, they're being let down. They're being let down by a misguided vaccination distribution plan, a plan with deadly consequences. It has now been about a week since we debated that vaccine distribution plan. Now, in week two, the highly-vulnerable citizens—seniors, rather—in Wayne, Oakland, and Macomb counties continue to be put in harm's way because they cannot get the vaccinations. I'm getting calls and e-mails from my district in Oakland County demanding to know why, and I'll tell you why. It's hard to explain to these suffering families the reason for this. At least in part, the reason for this, is the antiquated, over 20-year-old, one-size-fits-all natural disaster policy called the Social Vulnerability Index.

This one-size-fits-all approach was meant to apply to anything from a rockslide in Montana, hurricanes in New Orleans, brushfires in Nebraska, earthquakes in California, and on and on, any conceivable, possible natural disaster, rolled into a big ball of this policy, including a viral pandemic. None of these situations that could be conceived of are attacking just the seniors over 60 with a 90 percent victim rate. This is unique, but it's not treated uniquely under this ridiculous policy. It should be relief for all of these scenarios and they should not be treated the same. Those who came up with the Social Vulnerability Index over 20 years ago could not possibly have conceived of the intricacies we face with COVID-19, every minute, every hour this thing seems to have been changing over the last year. A formula meant to guide relief in every single natural disaster is not up to the task of helping to distribute these vaccinations today.

Nearly 90 percent of COVID-19 deaths in Michigan are among the elderly. They should be prioritized first and foremost, especially those with underlying conditions. What is the practical reality of this SVI? What does it mean in human terms? It means that the most vulnerable in Michigan are not getting the help first. If you have community A and community B both fighting the virus, due to this one-size, antiquated

SVI concept, community A gets vaccinations gushed into the community more than they need to get the vaccinations of the high-priority individuals. All those individuals are offered vaccinations so they can get vaccinated, but community B is not getting enough. They don't have enough to vaccinate even the highest priority population, so seniors and those with underlying health conditions continue to die because of this policy.

This concept that the Governor and some in this chamber advocate think it makes perfect sense what I just outlined. I believe that almost everyone else in the state of Michigan if they had any idea how this loony concept operated would be up in arms. What is really striking is the number of proponents of this policy who represent areas that are getting these fewer vaccines, people, seniors who are on the risk of dying and they don't understand how we could be cheering for a policy to give an overabundance of vaccines to one area and make seniors struggle to even stay alive in another area. If the public knew, they would be outraged.

Instead of this administration continuing to play games with our most vulnerable, I suggest we could do a lot better. Let's get vaccinations to the most vulnerable, the most at-risk, and start saving lives instead of playing politics.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 25:

House Bill No. 4247

The Secretary announced that the following bills, joint resolution, and resolutions were printed and filed on Thursday, February 25, and are available on the Michigan Legislature website:

Senate Bill Nos. 184 185 186 187 188 189 190 191

Senate Joint Resolution E

Senate Resolution Nos. 19 20

**House Bill Nos. 4360 4361 4362 4363 4364 4365 4366 4367 4368 4369 4370 4371 4372
4373 4374 4375 4376 4377**

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:

Meeting held on Thursday, February 25, 2021, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Nesbitt (C), Bumstead and McBroom

Excused: Senator Hertel

Scheduled Meetings

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

Agriculture and House Agriculture – Thursday, March 4, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Appropriations –

Subcommittees –

Agriculture and Rural Development – Thursday, March 4, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Wednesdays, March 3 and March 10, 11:30 a.m. or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

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

K-12 and Michigan Department of Education – Thursday, March 4, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Labor and Economic Opportunity/MEDC – Tuesdays, March 9, March 16, and March 23, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

Military and Veterans Affairs/State Police – Thursday, March 4, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Thursday, March 4, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Economic and Small Business Development – Thursday, March 4, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721 (CANCELLED)

Energy and Technology – Tuesday, March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

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

Finance – Wednesday, March 3, 12:00 noon, Room 403, 4th Floor, Capitol Building (517) 373-5312

Health Policy and Human Services – Thursday, March 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Judiciary and Public Safety – Thursday, March 4, 9:05 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Natural Resources – Wednesday, March 3, 8:30 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 5:16 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, March 3, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate