

No. 46
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Thursday, May 20, 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—excused
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—excused
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

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

Senator Ken Horn of the 32nd District offered the following invocation:

Heaven is real. Really real. Lord, let the Holy Spirit guide my words as I ask You to bless the public servants here in this chamber, elected or otherwise. Refresh our hearts, give us strength, fill us with wisdom. With wisdom, we remember Proverbs 15:1: “A gentle answer turns away wrath, but a harsh word stirs up anger.” Help us remember that we are all children of God. We are never alone, even when we feel empty and misunderstood. Please wrap Your arms around Your people. Fill this chamber with the knowledge that there is a better life waiting for us with You in our hearts. Keep our families safe, keep our friends safe, and our neighbors safe. Lord, Your love bridges both oceans and miles of land. Bless all Michiganders near and far. Keep them safe in their military and public service to us. Hurry them home to their loving families. Keep reminding us Lord, as we try our best, that Your smallest plans are still way better than our biggest dreams. And on this pure Michigan spring day, we thank You for this beautiful life that You have given to us. We ask You for Your forgiveness if we fail to love it enough every single day.

In Your Son’s name, we servants of God say. Amen.

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

Motions and Communications

Senator Lauwers moved that Senators McBroom, Barrett and Stamas be excused from today’s session. The motion prevailed.

Senator Hollier entered the Senate Chamber.

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

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

The following communication was received:
Office of Senator Lana Theis

May 19, 2021

Per Senate Rule 3.105 I request to be added as an official co-sponsor to Senate Bill 129.

Sincerely,
Lana Theis
State Senator
22nd District

The communication was referred to the Secretary for record.

Messages from the Governor

The following messages from the Governor were received:

Date: May 19, 2021
Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 16 (Public Act No. 14), being

An act to amend 1917 PA 167, entitled “An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act,” by amending section 125 (MCL 125.525), as amended by 2016 PA 14.

(Filed with the Secretary of State on May 19, 2021, at 1:08 p.m.)

Date: May 19, 2021
Time: 10:02 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 118 (Public Act No. 15), being

An act to amend 1979 PA 94, entitled “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,” by amending section 163 (MCL 388.1763), as amended by 2020 PA 165.

(Filed with the Secretary of State on May 19, 2021, at 1:10 p.m.)

Respectfully,
Gretchen Whitmer
Governor

The following message from the Governor was received and read:

PUBLIC EMPLOYEES AND OFFICERS; 1968 PA 317 REGARDING CONTRACTS OF PUBLIC SERVANTS WITH PUBLIC ENTITIES; MODIFY CERTAIN POPULATION THRESHOLDS

May 19, 2021

Today I am returning Enrolled Senate Bill 17 of 2021 to you without approval.

Michigan’s statute dealing with contracts of public servants within public entities is an important safeguard of responsible and accountable government. It prevents public servants from enriching themselves at public expense by prohibiting most contracts between public servants and the communities they serve. There are a few narrow exceptions, including one for part-time firefighters.

Enrolled Senate Bill 17 proposes to significantly expand that exception. In so doing, it would open up a range of new and problematic possible conflicts of interest. For example, it would allow a city commissioner serve concurrently as a police officer or even police chief, which would create obvious and thorny problems around chain of command and budgetary oversight. This would run the risk of having public servants determine their own pay, set their own standards, or interfere with disciplinary proceedings. That’s unacceptable.

For the foregoing reasons, I am vetoing SB 17.

Sincerely,
Gretchen Whitmer
Governor

This bill was returned from the Governor on May 19, 2021, at 1:27 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Senator Lauwers moved that consideration of the bill be postponed for today.

The motion prevailed.

The following messages from the Governor were received and read:

May 19, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Executive Order No. 2012-17: **Michigan Domestic and Sexual Violence Prevention and Treatment Board**

Dr. NiCole T. Buchanan of 1288 Sebewaing Road, Okemos, Michigan 48864, county of Ingham, succeeding Sue Snyder whose term has expired, appointed for a term commencing May 19, 2021 and expiring December 4, 2023.

May 19, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 469 of 2016, MCL 399.833:

Michigan Historical Commission

Ms. Laura Ashlee of 1931 Yuma Trail, Okemos, Michigan 48864, county of Ingham, reappointed for a term commencing May 22, 2021 and expiring May 21, 2025.

Mr. Eric Hemenway of 780 Ottawa Street, Harbor Springs, Michigan 49740, county of Emmet, reappointed for a term commencing May 22, 2021 and expiring May 21, 2025.

May 19, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 96 of 1987, MCL 125.2303 and Executive Reorganization Order No. 2010-5, MCL 125.2291:

Manufactured Housing Commission

Ms. Holly Hook of 59 Ashley Circle, Swartz Creek, Michigan 48473, county of Genesee, succeeding Glenna Adams whose term has expired, appointed to represent an organization whose membership consists of mobile home residents, for a term commencing May 19, 2021 and expiring May 9, 2024.

Mr. Jason M. Reed of 2708 Townawanda Lake Road, Grawn, Michigan 49637, county of Grand Traverse, succeeding Bryan Davis whose term has expired, appointed to represent organized labor, for a term commencing May 19, 2021 and expiring May 9, 2024.

May 19, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 451 of 1994, MCL 324.78102:

Michigan State Waterways Commission

Mr. Frederick Z. Sitkins, Jr. of 10460 S. High Meadows Court, Traverse City, Michigan 49684, county of Leelanau, succeeding the late Dennis Nickels, appointed to represent the general public, for a term commencing May 19, 2021 and expiring September 18, 2021.

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 10:06 a.m.

11:19 a.m.

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

During the recess, Senators Moss and Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Irwin, Hollier, Chang, Bayer, Moss, Santana, Geiss, Bullock and Hertel introduced

Senate Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 26 of article I, to permit affirmative action programs.

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

Senators Theis, Daley, Runestad, Barrett, Victory, Zorn, Outman and VanderWall introduced

Senate Bill No. 460, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1167.

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

Senators VanderWall and Wojno introduced

Senate Bill No. 461, entitled

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending section 408 (MCL 333.27408).

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

Senators Wojno and VanderWall introduced

Senate Bill No. 462, entitled

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 402 (MCL 333.27402), as amended by 2018 PA 582.

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

Senator Bumstead introduced

Senate Bill No. 463, entitled

A bill to amend 2000 PA 161, entitled “Michigan education savings program act,” by amending sections 2 and 16 (MCL 390.1472 and 390.1486), section 2 as amended by 2010 PA 6.

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

Senators Hertel, Brinks, Moss, McCann, Geiss, Chang, Bullock and Irwin introduced

Senate Bill No. 464, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16221c.

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

Senators Runestad and Barrett introduced

Senate Bill No. 465, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” by amending section 10o (MCL 247.660o), as amended by 2000 PA 188.

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

Senators MacDonald and Barrett introduced

Senate Bill No. 466, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from

each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 2020 PA 222.

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

Senators Runestad, Wojno, Zorn, Daley, Bumstead, MacDonald, Victory and VanderWall introduced
Senate Bill No. 467, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

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

Senators Outman, Bayer, Horn, Daley, Wojno, Zorn, Victory and Chang introduced
Senate Bill No. 468, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 31502, 31503, 31509, 31517, 31518, and 31523 (MCL 324.31502, 324.31503, 324.31509, 324.31517, 324.31518, and 324.31523), sections 31502, 31503, 31517, 31518, and 31523 as added by 1995 PA 59 and section 31509 as amended by 2004 PA 325, and by adding sections 31506a and 31517a.

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

Senators Outman, Horn, Bayer, Daley, Wojno, Chang, Zorn and Victory introduced
Senate Bill No. 469, entitled

A bill to establish the Michigan dam repair and improvement 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 Environmental Quality.

Senators Stamas, Outman, Bayer, Horn, Daley, Wojno, Zorn and Victory introduced
Senate Bill No. 470, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 31528a, 31528b, and 31528c.

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

Senators Stamas, Outman, Bayer, Horn, Wojno, Zorn, Victory and Chang introduced

Senate Bill No. 471, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30702, 30708, 31515, 31520, and 31521 (MCL 324.30702, 324.30708, 324.31515, 324.31520, and 324.31521), as added by 1995 PA 59.

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

Senators Bayer, Outman, Horn, Daley, Wojno, Victory, Zorn and Chang introduced

Senate Bill No. 472, entitled

A bill to amend 1993 PA 92, entitled “Seller disclosure act,” by amending section 7 (MCL 565.957), as amended by 2005 PA 163.

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

House Bill No. 4074, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1166b.

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

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

House Bill No. 4218, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 25 (MCL 432.25), as amended by 1998 PA 465.

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 Regulatory Reform.

House Bill No. 4431, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending section 3 (MCL 432.103), as amended by 2019 PA 159.

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 Regulatory Reform.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 19:

House Bill Nos. 4074 4218 4431

The Secretary announced that the following bills and resolutions were printed and filed on Wednesday, May 19, and are available on the Michigan Legislature website:

Senate Bill Nos. 457 458 459

Senate Resolution Nos. 54 55

House Bill Nos. 4877 4878 4879 4880 4881 4882 4883 4884 4885 4886

Committee Reports

The Committee on Natural Resources reported

House Bill No. 4050, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending section 13 (MCL 15.243), as amended by 2018 PA 68.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Bumstead, Outman, Schmidt and McCann

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, May 19, 2021, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Bumstead, Outman, Schmidt and McCann

The Committee on Finance reported

House Bill No. 4224, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4gg.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4225, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4gg.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, May 19, 2021, at 12:00 noon, Room 403, 4th Floor, Capitol Building

Present: Senators Runestad (C), Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

The Committee on Families, Seniors, and Veterans reported

House Bill No. 4122, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; to create the county veteran service fund and to provide for contributions to and expenditures from that fund; and to transfer the powers and duties of the soldiers' relief commission in those counties," by amending section 3a (MCL 35.623a), as amended by 2018 PA 514.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

John Bizon, M.D.

Chairperson

To Report Out:

Yeas: Senators Bizon, Barrett, Runestad, Johnson, Zorn, Bullock and Alexander

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families, Seniors, and Veterans reported

House Bill No. 4325, entitled

A bill to amend 1981 PA 180, entitled “Older Michiganians act,” (MCL 400.581 to 400.594) by adding section 6/.

With the recommendation that the bill pass.

John Bizon, M.D.
Chairperson

To Report Out:

Yeas: Senators Bizon, Barrett, Runestad, Johnson, Zorn, Bullock and Alexander

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 19, 2021, at 3:00 p.m., Room 403, 4th Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Elections submitted the following:

Meeting held on Wednesday, May 19, 2021, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), McBroom, VanderWall and Wojno

Scheduled Meetings

Energy and Technology – Tuesday, May 25, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Finance – Wednesday, May 26, 12:00 noon, Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 11:24 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, May 25, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

