

No. 28
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Thursday, March 25, 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 Kevin Daley of the 31st District offered the following invocation:

God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgement is decreed. Assist with Your spirit of counsel and fortitude to guide this chamber and other government leaders for the state of Michigan. May we always seek the ways of righteousness, justice, and mercy. Grant that we may be enabled by Your powerful protection to lead our state with honesty and integrity.

We ask this through Christ our Lord. Amen.

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

Senators VanderWall, Stamas, Bullock and Hertel entered the Senate Chamber.

Motions and Communications

Senator Lauwers moved that Senators LaSata, Schmidt and Theis be temporarily excused from today’s session. The motion prevailed.

Senator Chang moved that Senators Ananich and Geiss 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.

The following communications were received and read:
Office of the Auditor General

March 23, 2021

Enclosed is a copy of the following report:

- Performance audit report on the Office of Educator Excellence, Michigan Department of Education (313-0140-18).

March 24, 2021

Enclosed is a copy of the following report:

- Performance audit on the Use of Warranties, Michigan Department of Transportation (591-0320-20).

Sincerely,
Doug Ringle
Auditor General

The audit reports were referred to the Committee on Oversight.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators LaSata, Ananich, Theis, Geiss and Schmidt entered the Senate Chamber.

Senator McBroom introduced
Senate Bill No. 316, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.285) by adding section 20.

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

Senator McBroom introduced
Senate Bill No. 317, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” (MCL 15.231 to 15.246) by adding section 12.

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

Senators Ananich, Hollier, McBroom, Brinks, Wojno, Geiss, Santana, Bayer, Chang and Bullock introduced

Senate Bill No. 318, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1278a and 1278b (MCL 380.1278a and 380.1278b), section 1278a as amended by 2020 PA 158 and section 1278b as amended by 2018 PA 230.

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

Senators Outman, Wojno, Daley, McBroom, Brinks and Bayer introduced

Senate Bill No. 319, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5202 and 5301 (MCL 324.5202 and 324.5301), section 5202 as amended by 2012 PA 511 and section 5301 as amended by 2012 PA 560.

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

Senators Wojno, Outman, Santana, Daley, McBroom, Brinks and Bayer introduced

Senate Bill No. 320, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19708 (MCL 324.19708), as amended by 2012 PA 562.

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

Senators Santana, Wojno, Bayer, Hollier, Geiss, Chang, Bullock, Alexander, Theis, McBroom and Johnson introduced

Senate Bill No. 321, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1526b.

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

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

Senate Bill No. 322, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” (MCL 37.2101 to 37.2804) by adding section 202b.

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

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

Senate Bill No. 323, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending section 801 (MCL 37.2801).

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

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

Senate Bill No. 324, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 13a (MCL 408.483a), as added by 1982 PA 524.

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

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

Senate Bill No. 325, entitled

A bill to amend 2018 PA 337, entitled “Improved workforce opportunity wage act,” by amending sections 9 and 13 (MCL 408.939 and 408.943).

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

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

Senate Bill No. 326, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 556 (MCL 750.556).

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

Senators Santana, Ananich, Brinks, Hollier, Bayer, Polehanki, Bullock, Moss, Wojno, Alexander, Geiss, Chang and Hertel introduced

Senate Bill No. 327, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending section 602 (MCL 37.2602), as amended by 1992 PA 258, and by adding section 202b.

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

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

Senate Bill No. 328, entitled

A bill to amend 1978 PA 397, entitled “Bullard-Plawecki employee right to know act,” (MCL 423.501 to 423.512) by amending the title and by adding section 9a.

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

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

Senate Bill No. 329, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending section 202 (MCL 37.2202), as amended by 2009 PA 190.

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

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

Senate Bill No. 330, entitled

A bill to amend 1978 PA 609, entitled “Full employment planning act of 1978,” by amending section 3 (MCL 408.903), as amended by 1981 PA 131.

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

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

Senate Bill No. 331, entitled

A bill to create a program to encourage and recognize employers that make progress in addressing pay inequality between men and women who perform comparable work; and to provide for the powers and duties of certain governmental officers and entities.

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

Senators Bayer, Brinks, Hollier, Polehanki, Bullock, Moss, Wojno, Alexander, Hertel, Geiss and Chang introduced

Senate Bill No. 332, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending section 209 (MCL 37.2209) and by adding section 209a.

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

Senators Hollier, Chang, Polehanki, Geiss, Bullock, Bayer, Alexander, Brinks and Hertel introduced

Senate Bill No. 333, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 408.477), as amended by 2015 PA 15.

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

Senator Johnson introduced

Senate Bill No. 334, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 24k and 765 (MCL 168.24k and 168.765), section 24k as added and section 765 as amended by 2020 PA 177.

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

Senators Runestad, Theis, Daley, Victory, Barrett, Zorn, McBroom, Bumstead, Stamas, Horn, VanderWall, LaSata, Lauwers and Schmidt introduced

Senate Bill No. 335, 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.

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

Senator Runestad introduced

Senate Bill No. 336, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1429.

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

Senator Runestad introduced

Senate Bill No. 337, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 2001 PA 210.

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

Senators Runestad, Johnson, Daley, Bumstead, Zorn, Stamas, Barrett, Theis, LaSata, Nesbitt, VanderWall, Lauwers, Victory and Schmidt introduced

Senate Bill No. 338, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch 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.

Senators Chang, Wojno and VanderWall introduced

Senate Bill No. 339, entitled

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

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

Senators VanderWall, Chang and Wojno introduced

Senate Bill No. 340, entitled

A bill to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

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

Senators Chang, Wojno and VanderWall introduced

Senate Bill No. 341, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 5519 and 5519a.

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

Senators Bayer, Hollier, Chang, Santana, Geiss, Ananich, Moss, Brinks, Alexander and McCann introduced

Senate Bill No. 342, entitled

A bill to require all state departments and agencies to establish certain water affordability criteria; and to prescribe the powers and duties of certain state and local governmental officers and entities.

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

Senators Chang, Santana, Geiss, Bayer, Ananich, Moss, Brinks, Alexander, McCann and Hollier introduced

Senate Bill No. 343, entitled

A bill to prescribe the powers and duties of certain providers of water and sewerage service in this state; to prescribe the powers and duties of certain state officers and entities; to prohibit certain acts and practices of providers of water and sewerage service; and to provide for remedies and penalties for certain violations of this act.

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

Senators Alexander, Bayer, Hollier, Geiss, Ananich, Moss, Brinks and McCann introduced

Senate Bill No. 344, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding sections 14n, 14o, 14p, and 14q.

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

Senators Chang, Santana, Geiss, Bayer, Ananich, Moss, Brinks, Alexander, McCann and Hollier introduced

Senate Bill No. 345, entitled

A bill to prescribe the powers and duties of providers of water, sewerage, and stormwater service in this state; to require providers of water, sewerage, and stormwater service in this state to file certain reports with the department of health and human services; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide for civil fines.

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

Senators Wojno, Bayer, Hollier, Chang, Geiss, Ananich, Moss, Brinks, Alexander and McCann introduced

Senate Bill No. 346, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending the title and sections 282 and 383a (MCL 750.282 and 750.383a), the title as amended by 2010 PA 107, section 282 as amended by 1987 PA 32, and section 383a as amended by 2008 PA 413.

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

Senators Irwin, Bayer, Hollier, Chang, Geiss, Ananich, Moss, Brinks, Alexander and McCann introduced **Senate Bill No. 347, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 160 and 16s of chapter XVII (MCL 777.160 and 777.16s), section 160 as amended by 2012 PA 169 and section 16s as amended by 2008 PA 414.

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

Senators Hollier and Chang introduced

Senate Bill No. 348, entitled

A bill to amend 1939 PA 178, entitled “An act to provide for the collection of water or sewage system rates, assessments, charges, or rentals; and to provide a lien for water or sewage system services furnished by municipalities as defined by this act,” by amending the title and section 6 (MCL 123.166), as amended by 1981 PA 132, and by adding sections 1a, 1b, 1c, 1d, and 1e.

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

Senators Hertel, Bullock, Wojno, Santana, Brinks, Chang, Alexander and Geiss introduced

Senate Bill No. 349, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 275.

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

Senators Hertel, Bullock, Wojno, Santana, Brinks, Chang, Alexander and Geiss introduced

Senate Bill No. 350, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding sections 277 and 677.

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

House Bill No. 4014, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 628 (MCL 257.628), as amended by 2016 PA 447.

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 Transportation and Infrastructure.

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.

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 Natural Resources.

House Bill No. 4123, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5301, 5403, and 5405 (MCL 324.5301, 324.5403, and 324.5405), section 5301 as amended by 2012 PA 560 and sections 5403 and 5405 as added by 1997 PA 26.

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 Environmental Quality.

House Bill No. 4211, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 479b (MCL 750.479b), as added by 1994 PA 33.

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 Judiciary and Public Safety.

House Bill No. 4212, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2012 PA 323.

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 Judiciary and Public Safety.

House Bill No. 4345, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406v.

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 Health Policy and Human Services.

House Bill No. 4346, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406v.

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 Health Policy and Human Services.

House Bill No. 4347, entitled

A bill to require drug manufacturers to report certain information to the department of insurance and financial services; to provide for the powers and duties of certain state officers and entities; to allow for the promulgation of rules; and to prescribe civil sanctions.

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 Health Policy and Human Services.

House Bill No. 4348, entitled

A bill to license and regulate pharmacy benefit managers; to require reporting of certain data; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies; to require the promulgation of rules; and to require and to provide sanctions for violation of this act.

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 Health Policy and Human Services.

House Bill No. 4349, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21517.

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 Health Policy and Human Services.

House Bill No. 4350, entitled

A bill to amend 1984 PA 323, entitled “The health care false claim act,” by amending sections 2 and 4a (MCL 752.1002 and 752.1004a), section 4a as amended by 2020 PA 317.

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 Health Policy and Human Services.

House Bill No. 4351, entitled

A bill to amend 1984 PA 218, entitled “Third party administrator act,” by amending the title and section 2 (MCL 550.902) and by adding sections 26 and 27.

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 Health Policy and Human Services.

House Bill No. 4352, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17757 (MCL 333.17757), as amended by 2016 PA 383, and by adding section 17757b.

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 Health Policy and Human Services.

House Bill No. 4353, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406v.

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 Health Policy and Human Services.

House Bill No. 4354, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406v.

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 Health Policy and Human Services.

House Bill No. 4355, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16101 and 16171 (MCL 333.16101 and 333.16171), section 16171 as amended by 2016 PA 60.

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 Health Policy and Human Services.

House Bill No. 4356, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5553, 5555, 5557, and 5561 (MCL 333.5553, 333.5555, 333.5557, and 333.5561), as added by 2014 PA 269.

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 Health Policy and Human Services.

House Bill No. 4357, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17748g and 17748h.

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 Health Policy and Human Services.

House Bill No. 4358, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406v.

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 Health Policy and Human Services.

House Bill No. 4359, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17210 and 17708 (MCL 333.17210 and 333.17708), section 17210 as amended by 2017 PA 22 and section 17708 as amended by 2020 PA 4.

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 Health Policy and Human Services.

House Bill No. 4363, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2104, 2132, and 2165 (MCL 324.2104, 324.2132, and 324.2165), sections 2104 and 2132 as amended by 2018 PA 238 and section 2165 as added by 2018 PA 240.

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 Natural Resources.

House Bill No. 4429, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2091) by adding section 8b.

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 Transportation and Infrastructure.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received:

Date: March 24, 2021

Time: 1:01 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 186 (Public Act No. 4), being

An act to amend 2020 PA 220, entitled “An act to create an industrial hemp program; to authorize certain activities involving industrial hemp to require the registration of persons engaged in certain activities; to provide for the sampling and testing of industrial hemp; to provide for the collection of fees; to create certain funds; to provide for the powers and duties of certain state departments and officers and state agencies and officials; to prohibit certain acts; to prescribe civil sanctions; and to repeal acts and parts of acts,” by amending sections 103, 211, 301, 303, 305, 307, 309, 311, 401, 403, 405, 407, 503, 505, 509, 511, 601, 603, 605, 607, and 609 (MCL 333.29103, 333.29211, 333.29301, 333.29303, 333.29305, 333.29307, 333.29309, 333.29311, 333.29401, 333.29403, 333.29405, 333.29407, 333.29503, 333.29505, 333.29509, 333.29511, 333.29601, 333.29603, 333.29605, 333.29607, and 333.29609) and by adding section 602 and chapter VIII; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 24, 2021, at 3:36 p.m.)

Respectfully,

Gretchen Whitmer

Governor

The following message from the Governor was received and read:

**HEALTH; TIME LIMITS ON EMERGENCY ORDERS ISSUED IN RESPONSE TO AN EPIDEMIC;
PROVIDE FOR UNLESS EXTENSION IS APPROVED BY THE LEGISLATURE AND
REQUIRE EMERGENCY ORDER TO INCLUDE CERTAIN INFORMATION**

March 24, 2021

Today I am returning Enrolled Senate Bill 1 of 2021 to you without my approval. I initially outlined the reasons for rejecting this legislation in my veto letter regarding the nearly identical Enrolled Senate Bill 1253 of 2020, also sponsored by Senator Theis.

My number one priority has always been the safety and wellbeing of the people of Michigan. The pandemic has been hard on all of us. Our administration has stayed focused on doing the right things: acting decisively, following the science, and listening to the experts. Our actions have helped get the pandemic under control and rebuild the economy – but there’s still more work to do. We need to keep doing what needs to be done so we can return to a strong economy and normal day-to-day activities.

Following the 1918 Spanish Flu Pandemic, the Legislature granted the then-equivalent of the Director of the Department of Health and Human Services broad power to issue orders to contain and eradicate epidemics. In the course of fighting the COVID-19 pandemic, the use of those orders has likely saved many thousands of lives.

This bill would create a 28-day limit on epidemic orders. Unfortunately, epidemics are not limited to 28 days. We should not so limit our ability to respond to them. Therefore, I am vetoing SB 1.

Sincerely,
Gretchen Whitmer
Governor

The bill was returned from the Governor on March 24, 2021, at 3:48 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:

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 1 of 1966, MCL 125.1355:

Barrier Free Design Board

Mr. Ronald R. Campbell of 303 N. Davison Street, Davison, Michigan 48423, county of Genesee, reappointed to represent registered architects, for a term commencing March 25, 2021 and expiring October 31, 2023.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 250 of 1982, MCL 722.604:

Child Abuse and Neglect Prevention Board (“Children’s Trust Fund”)

Ms. Suzanna Shkreli of 5978 Blackberry Lane, Clarkston, Michigan 49009, county of Kalamazoo, reappointed to represent the legal community, for a term commencing March 25, 2021 and expiring December 19, 2023.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 204 of 1994, MCL 722.923:

Director of the Office of Children’s Ombudsman

Ms. Suzanna Shkreli of 5978 Blackberry Lane, Clarkston, Michigan 48348, county of Oakland, reappointed for a term commencing March 25, 2021 and expiring at the pleasure of the Governor.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Article V § 29 of the Michigan Constitution of 1963:

Michigan Civil Rights Commission

Mr. Richard Corriveau of 329 St. Lawrence Boulevard, Northville, Michigan 48168, county of Wayne, reappointed to represent Democrats, for a term commencing March 25, 2021 and expiring December 31, 2024.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 299 of 1980, MCL 339.302, 339.303 and 339.1202:

Michigan Board of Cosmetology

Ms. Gabriella Abel of 5240 Madison Avenue, Apt. B7, Okemos, Michigan 48864, county of Ingham, reappointed to represent the general public, for a term commencing March 25, 2021 and expiring December 31, 2024.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 218 of 1956, MCL 500.2402:

Data Collection Agency Governing Board

Ms. Emily McDonough of 520 N. Putnam Street, Williamston, Michigan 48895, county of Ingham, reappointed to represent the executive branch of state government, for a term commencing March 25, 2021 and expiring December 31, 2021.

March 25, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 120 of 1960, MCL 390.842:

Grand Valley State University Board of Trustees

Ms. Mikyia S. Aaron of 11529 Golfcrest Drive, Taylor, Michigan 48180, county of Wayne, reappointed for a term commencing March 25, 2021 and expiring December 31, 2028.

Ms. Noreen K. Myers of 1050 Monterey Drive, S.E., East Grand Rapids, Michigan 49506, county of Kent, reappointed for a term commencing March 25, 2021 and expiring December 31, 2028.

March 25, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 407 of 2016, MCL 339.5303, 339.5305, 339.5307 and 339.5805:

Board of Mechanical Rules

Mr. Terry A. Gilligan of 34761 Navin Avenue, Livonia, Michigan 48152, county of Wayne, reappointed to represent a member of organized labor who represents the mechanical trades, for a term commencing March 25, 2021 and expiring July 30, 2024.

Mr. Dennis R. Mowbray, Jr. of 20271 Wahrman Road, New Boston, Michigan 48164, county of Wayne, reappointed to represent unlimited service in heating or refrigeration, for a term commencing March 25, 2021 and expiring July 30, 2024.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 70 of 1885, MCL 390.352 and Public Act 21 of 1963 (2nd Ex. Sess.), MCL 390.861:

Michigan Technological University Board of Trustees

Ms. Andrea Dickson of 75 Lewiston Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, reappointed for a term commencing March 25, 2021 and expiring December 31, 2028.

March 25, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 451 of 1994, MCL 324.501:

Michigan Natural Resources Commission

Mr. Thomas A. Baird of P.O. Box 837, Elk Rapids, Michigan 49629, county of Antrim, reappointed to represent Democrats, for a term commencing March 25, 2021 and expiring December 31, 2024.

Mr. David Cozad of 2037 Briar Drive, Bay City, Michigan 48706, county of Bay, reappointed to represent Democrats, for a term commencing March 25, 2021 and expiring December 31, 2024.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Northern Michigan University Board of Trustees

Mr. Jason T. Morgan of 2860 Gladstone Avenue, Ann Arbor, Michigan 48104, county of Washtenaw, reappointed for a term commencing March 25, 2021 and expiring December 31, 2028.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 300 of 1980, MCL 38.1322:

Michigan Public School Employees' Retirement System Board

Mr. James Pearson of 632 Timber Ridge Drive, Highland, Michigan 48357, county of Oakland, reappointed to represent a member who retired from a classroom teacher position, for a term commencing March 25, 2021 and expiring March 30, 2022.

March 25, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 411 of 2012, MCL 286.943:

Rural Development Fund Board

Mrs. Erin K. Kricher of 630 Fifth Street, Traverse City, Michigan 49684, county of Grand Traverse, reappointed to represent Democrats and residents of the Lower Peninsula, for a term commencing March 25, 2021 and expiring December 31, 2024.

March 25, 2021

Pursuant to Public Act 106 of 1945, MCL 2.102, please be advised of the following appointment to office:
Michigan Travel Commission

Ms. Amy B. Cox of 32242 Newcastle Drive, Warren, Michigan 48093, county of Macomb, reappointed for a term commencing March 25, 2021 and expiring August 20, 2023.

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 10:25 a.m.

10:58 a.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Stamas offered the following resolution:

Senate Resolution No. 36.

A resolution to commemorate March 25, 2021, as Greek Independence Day.

Whereas, The concept of democracy, in which the supreme power to govern was vested in the people, was developed by the ancient Greeks; and

Whereas, The Founding Fathers of the United States were heavily influenced by the political and philosophical principles of ancient Greece; and

Whereas, Our Greek American community enriches economic and cultural development through its many contributions to science, technology, medicine, government, economics, architecture, and the arts; and

Whereas, Michigan is home to nearly 50,000 residents of Greek descent; and

Whereas, Greece and the United States have been allies through two World Wars, the Korean conflict, Vietnam War, Operation Desert Storm, and the Cold War; and

Whereas, Winston Churchill once said, “If there had not been the virtue and courage of the Greeks, we do not know which the outcome of World War II would have been,” and “No longer will we say that Greeks fight like heroes, but that heroes fight like Greeks”; and

Whereas, March 25, 2021, marks the 200th anniversary of the uprising that led to the War of Greek Independence from the Ottoman Empire; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate March 25, 2021, as Greek Independence Day. We thank those individuals of Greek heritage for the important contributions they have made to our state and our country.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The resolution was adopted.

Senators Bayer, Moss and Wojno were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Stamas’ statement is as follows:

Mr. President, today I rise to offer Senate Resolution No. 36 in recognition of the 200th anniversary of Greek Independence Day. The ties between our two nations have never been stronger. In fact, the idea of democracy originated in Greece, with the Greek word for ‘democracy’ being two Greek words—the first part, demos, means ‘people;’ the second part, kratos, means ‘rule.’ The literal translation of democracy from Greek to English means ‘people’s rule.’ It was the Greeks who also were the foundation of Western thought originated and gave rise to such great philosophers, writers, and inventors.

In more recent years, the Greeks began their fight for their independence from the Ottoman Empire on March 25, 1821—the Greek War of Independence. Since then, the Greeks celebrate their independence day on March 25, as we celebrate our Fourth of July.

In Michigan, we have well over 50,000 residents of Greek or Hellenic descent, including myself. The Greek Americans in Michigan’s communities are an invaluable asset. I am proud to share Greek heritage with so many Michiganders and others across the country and recognizing and celebrating Greek independence. Zito i Ellas—celebrating.

I invite you to support Senate Resolution No. 36.

Senators Ananich and Stamas offered the following resolution:

Senate Resolution No. 37.

A resolution to declare opposition to the excessive fees sought by the plaintiffs’ attorneys in the Flint water crisis settlement.

Whereas, The city of Flint changed their municipal water supply source on April 25, 2014, which caused pipes to corrode and release contaminants into the drinking water. A state of emergency was declared on January 16, 2016, and in October 2016, Flint residents were advised not to drink tap water unless it had been filtered to remove lead; and

Whereas, Studies conducted by the Centers for Disease Control and Prevention and others to assess the contaminated drinking water revealed increased bacteria levels, elevated lead content, and other serious health concerns, as well as ongoing behavioral issues particularly among those under 18 years of age, the timing of which indicated direct connections to the municipal water supply switch. An estimated 14,000 children under the age of 6 were exposed to lead in their drinking water; and

Whereas, A \$641.25 million settlement in the Flint water crisis lawsuit is currently moving forward, with nearly 80 percent of the allotted compensation ultimately awarded going to Flint residents who were under 18 years of age during the crisis as these individuals bear a disproportionate share of lasting health and behavioral effects from the disastrous water supply change; and

Whereas, Attorney fees of \$202 million have been requested, which total more than 31 percent of the total settlement amount and would take away more than \$160 million from the settlement fund for the children of Flint; and

Whereas, Funds in this record-setting settlement first and foremost should go to Flint children and families who have had their lives changed forever by the decisions made during this crisis, not to trial attorneys; now, therefore, be it

Resolved by the Senate, That we declare our opposition to the excessive fees sought by the plaintiffs’ attorneys in the Flint water crisis settlement.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Stamas offered the following substitute (S-1):

A resolution to declare opposition to the excessive fees sought by the plaintiffs’ attorneys in the Flint water crisis settlement.

Whereas, The city of Flint changed their municipal water supply source on April 25, 2014, which caused pipes to corrode and release contaminants into the drinking water. A state of emergency was declared on January 16, 2016, and in October 2016, Flint residents were advised not to drink tap water unless it had been filtered to remove lead; and

Whereas, Studies conducted by the Centers for Disease Control and Prevention and others to assess the contaminated drinking water revealed increased bacteria levels, elevated lead content, and other health concerns, particularly among those under 18 years of age; and

Whereas, A \$641.25 million settlement in the Flint water crisis lawsuit is currently moving forward, with nearly 80 percent of the allotted compensation ultimately awarded going to Flint residents who were under 18 years of age during the crisis as these individuals bear a disproportionate share of health effects from the water supply change; and

Whereas, Attorney fees of \$202 million have been requested, which total more than 31 percent of the total settlement amount and would take away more than \$160 million from the settlement fund for the children of Flint; and

Whereas, Funds in this record-setting settlement first and foremost should go to Flint children and families who have had their lives changed by the decisions made during this crisis, not to trial attorneys; now, therefore, be it

Resolved by the Senate, That we declare our opposition to the excessive fees sought by the plaintiffs' attorneys in the Flint water crisis settlement.

The substitute was adopted.

The resolution as substituted was adopted.

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

Senator Lauwers offered the following concurrent resolution:

Senate Concurrent Resolution No. 12.

A concurrent resolution to prescribe the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, March 25, 2021, it stands adjourned until Tuesday, April 13, 2021, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Thursday, March 25, 2021, it stands adjourned until Tuesday, April 13, 2021, at 1:30 p.m.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senator Hertel offered the following concurrent resolution:

Senate Concurrent Resolution No. 13.

A concurrent resolution to memorialize the Congress of the United States to oppose recommendations to privatize and slow the service of the United States Postal Service.

Whereas, The United States Postal Service (USPS) is a core governmental function recognized by our founding fathers in the U.S. Constitution. Article I, Section 8, Clause 7 of the U.S. Constitution grants Congress the power to establish post offices and post roads; and

Whereas, The USPS provides high-quality universal service without taxpayer funding. The USPS receives no tax dollars and funds its operations through the sale of postage products and services. Even without taxpayer funding, the USPS provides excellent service and consistently receives the highest approval ratings of federal departments and agencies; and

Whereas, The USPS is a source of decent and dignified jobs in the United States. The agency employs workers of all nationalities from diverse backgrounds of all kinds. The USPS has more than 500,000 employees at the center of the \$1.4 trillion mailing industry that employs 7.5 million Americans. It is also the nation's second-largest employer of military veterans; and

Whereas, Proposals to privatize the USPS would limit service and increase prices for Michigan's 32 rural counties. A privatized postal service will be driven by profit and would lead to increased rates and lost service for rural areas where delivery is more expensive. This will enrich a few private companies at the expense of rural communities in Michigan and across the country; and

Whereas, The current U.S. Postmaster General has proposed numerous changes, including changing service standards that will lead to slower delivery, plant consolidations, and reduced operating hours at post offices. These changes would negatively impact the agency, postal workers, and the American public; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to oppose recommendations to privatize the United States Postal Service; and be it further

Resolved, That we memorialize the Congress of the United States to restore service standards to 2012 levels to improve delivery of America's mail; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senate Concurrent Resolution No. 11.

A concurrent resolution of tribute offered as a memorial for Willis "Bill" Clare Bullard, Jr., former member of the House of Representatives and the Senate.

(For text of resolution, see Senate Journal No. 27, p. 400.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

House Bill No. 4210

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

By unanimous consent the Senate proceeded to the order of
General Orders

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

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

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4210, entitled

A bill to amend 1905 PA 282, entitled “An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act,” (MCL 207.1 to 207.21) by adding section 5c.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

House Bill No. 4210

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

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 250, 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 sections 2253a and 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. 79

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

The Senate agreed to the title of the bill.

Protests

Senators Moss, Ananich, Geiss, Chang, Hollier, Alexander, Hertel, Brinks, McCann, Bullock, Wojno, Santana, Bayer and Polehanki, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 250.

Senators Moss and Ananich moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

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

Last week in two of my committees—Regulatory Reform, and Economic and Small Business Development—we had robust conversations of these indoor capacity limits for restaurants and hotel ballrooms and meeting spaces, and these restaurant and hotel operators demonstrated how creative and innovative they’ve had to be to address the needs of this pandemic, and as the health conditions ever evolve, everyone wants predictable and workable capacity limits. But this bill is not that solution, and this is my “no” vote explanation.

Included in the existing health orders are not only limitations of occupancy of restaurants and other spaces which this bill addresses, but also ongoing mask mandates and contact tracing requirements. This bill is silent on mask usage in a restaurant where a mandate should be clear, and it loosens up contact tracing from being required to being encouraged. And we all know that when something is encouraged in law, it’s an avenue for people not to do it.

Of the restaurant and hotel operators who testified before both of our committees, I asked just about every single one of them, Do they support a mask mandate? Do they support contact tracing? The answer to both was a resounding “yes.” So, the industry wants it; the health department wants it. The only people in authority who don’t want a mask mandate and contact tracing are the Republican caucuses in this Legislature.

In our Regulatory Reform Committee last week—it was held Tuesday afternoon, the same time the House was in session—I encouraged the industry who came to testify to just peek into the House Chamber and see how many maskless legislators want to write laws here and want to write health orders here to understand where I’m coming from on this issue.

This bill is just another effort that’s woefully short of what’s needed to protect public health and I encourage a “no” vote.

Senator Ananich’s statement is as follows:

Well, I can answer one of the questions. If I go to a restaurant and get food poisoning, you don’t get sick. That seems like a pretty basic understanding. If I get food poisoning, I don’t give it to you. But if I get COVID, I can give it to you. That seems like a pretty easy thing to understand, but that’s the reason why it’s different.

The seven-day average, according to MLive, is up to 8.1 percent. In these counties here, as of March 17-23, Huron County, 30 percent—it would be closed under these metrics; Missaukee County, 24 percent; St. Clair County, 22.4 percent; Oscoda, up 16 percent to 20.5 percent; Lapeer County, 20 percent; Otsego County, 20 percent; Wexford County, 20 percent; Roscommon County, 19.1 percent. I don't know what you guys are doing in your communities, but these are all yours. If you guys get your stuff together, maybe we can get out of this a lot quicker. Let me say one thing that hasn't been said enough—the person who sat in that seat right there is dead from this. I care about restaurants. I care about all of these issues as well. I will work with you any day you want. We can't bring him back.

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

The motion prevailed.

Senator Bumstead's statement is as follows:

For over a year now, Michigan residents have changed the way we live and work in an effort to combat COVID-19. We've been told that we needed a couple of weeks to flatten the curve. Then we were told we needed to stay home so hospitals were not overwhelmed. We were told to wear masks and social distance. The people of Michigan complied.

Now, our restaurants and event centers are begging for a lifeline to survive. They aren't asking for handouts or special treatment. They are asking to know what the rules of the game are so they can put forth a plan for their customers. The state of Michigan owes them at the very least transparency regarding the metrics that are controlling the fate of their businesses.

Senate Bill No. 250 provides the transparency that they need. This bill establishes what almost every other state in this country has—public metrics based on real-time data. Specifically, Senate Bill No. 250 establishes clear guidance for restaurants and event centers by correlating occupancy rates with daily positive rates or daily hospital bed utilization rates. Some will criticize this bill because it doesn't mandate more government control like mask requirements or contact tracing, but I feel very confident that this administration and the Department of Health and Human Services will continue issuing those mandates when this bill becomes law.

Many of our colleagues are also currently pushing for more transparency for state government and this is the best first step to make sure the state of Michigan is openly communicating what the rules are for one of our largest industries.

I urge a "yes" vote for Senate Bill No. 250 to help Michigan restaurants and event centers.

Senator Horn's statement is as follows:

My colleagues on the other side of the aisle wanted us to participate in the conversation over the rules defining how we were going to manage this COVID crisis. This bill does exactly that. We've had others and they've been vetoed and they've been argued down, but this is a conversation that certainly needs to be started. Now, what I'd like to hear is the other side talking about the good parts of this bill, not just the parts they don't like. That's collaboration. What I'd like to hear is from the Governor's office the parts that she likes and the parts that she doesn't like and to respond to the idea that there are no metrics for closing, for reopening, for staying reopened. Our restaurants and our businesses need certainty. And what we talked about in the Economic and Small Business Development Committee that recommended this bill to the floor was that it's not just the restaurants that are dealing with COVID and the limited capacities and the shutdowns at any given notice.

I read this morning in one of our Capitol press reports that we're seeing some kind of a surge in cases again. And this causes restaurants to say, "Are we going to close down again?" We recall that two days before St. Patrick's Day last year, that we had restaurants and bars with inventory from floor to ceiling, wall to wall, waiting for—some of them—their biggest day of the year, and they were shut down. No metrics were defined. There was no presentable data to say that this had to happen. We were all a little nervous at the time so we went along with that. Twenty-eight days went by. We lost Easter—the restaurants—we lost Mother's Day. We opened up for limited capacity. We had a case at Harper's in East Lansing that made me ask the question, if we had 24 cases of food poisoning rather than 24 cases of COVID, how would the health department have handled it? And why couldn't we handle it in the same way and deal with that situation, clean it up, talk about it, shut them down, take away their license, do whatever it takes to set a precedent, and demonstrate that we're serious about this. But instead there was a scorched earth policy based on no science, no data, and no metrics, that closed down indoor dining around the state, including the Upper Peninsula which at the time had two hospitalizations due to COVID—two, in the entire U.P. Their restaurants, and bars, and indoor dining were shut down because of Harper's.

And then with the same executive order, casinos were opened up. The uncertainty with restaurants—then we allowed limited indoor dining again just a couple of days before Thanksgiving, by golly, we got closed again and we lost the biggest day of the year for some of our restaurants. In my hometown, two of the largest restaurants in the country were shut down and they lost Thanksgiving, they lost Christmas, they lost New Year’s celebrations.

On February 4 we found out kind of under the radar screen that they were extended out to March 29 after they were opened to 25 percent. And then they were opened to 50 percent. From one week to the next we don’t know what that means. We don’t understand the metrics. We’re not getting the data. We’re not getting the science. We’re just getting lip service. And when I asked the administration what prevents us from closing down again—we don’t know, we don’t now what those metrics are. And, Mr. President, I don’t want my restaurants to have to restock their dumpsters for the fourth time in a year because they don’t understand what the Governor’s doing. And for that, I ask for support of this bill.

The following bill was read a third time:

House Bill No. 4126, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43525c (MCL 324.43525c), as added by 2020 PA 262.

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. 80

Yeas—34

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

Nays—1

Polehanki

Excused—1

McMorrow

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 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 the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 141, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 203 (MCL 436.1203), as amended by 2020 PA 106.

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. 81

Yeas—34

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

Nays—1

McBroom

Excused—1

McMorrow

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 142, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 203b.

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. 82

Yeas—34

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

Nays—1

McBroom

Excused—1

McMorrow

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 143, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 609 (MCL 436.1609), as amended by 2016 PA 81.

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. 83

Yeas—34

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

Nays—1

McBroom

Excused—1

McMorrow

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 144, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 105, 107, 109, 111, 113, 113a, 301, 305, 307, 521, 525, 537, 603, and 610 (MCL 436.1105, 436.1107, 436.1109, 436.1111, 436.1113, 436.1113a, 436.1301, 436.1305, 436.1307, 436.1521, 436.1525, 436.1537, 436.1603, and 436.1610), section 105 as amended by 2018 PA 414, section 107 as amended by 2019 PA 126, section 109 as amended by 2020 PA 120, section 111 as amended by 2020 PA 115, section 113 as amended by 2018 PA 405, section 113a as amended by 2018 PA 416, section 301 as amended by 2020 PA 110, section 307 as amended by 2020 PA 114, section 521 as amended by 2006 PA 502, section 525 as amended by 2016 PA 434, section 537 as amended by 2020 PA 117, section 603 as amended by 2018 PA 407, and section 610 as added by 2016 PA 106.

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. 84

Yeas—34

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

Nays—1

McBroom

Excused—1

McMorrow

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4210, entitled

A bill to amend 1905 PA 282, entitled “An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act,” (MCL 207.1 to 207.21) by adding section 5c.

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. 85

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

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
General Orders

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

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

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

Senate Bill No. 27, 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-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.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

Senate Bill No. 27

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

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 27, 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 Hertel offered the following amendment:

1. Amend page 4, line 5, after “pandemic” by inserting “or the coordination between republican political campaigns and policy makers regarding any investigation described in this section”.

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. 86

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

Senator Brinks offered the following substitute:

Substitute (S-2).

Senator Chang requested the yeas and nays.

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

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

Roll Call No. 87

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. 88**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

The Senate agreed to the title of the bill.

Protests

Senators Hollier, Geiss, Bayer and Hertel, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 27.

Senators Hollier, Bayer and Hertel moved that the statements they made during the discussion of the bill be printed as they reasons for voting “no.”

The motion prevailed.

Senator Hollier’s statement, in which Senator Geiss concurred, is as follows:

I believe in experts and I say that as somebody who went to school and has always been trained to value those who value education and research and training. And so the goal of this legislation is to have an investigation. Do you know who does investigations best? Investigative journalists. And two of them wrote a really expansive article about that. A nonpartisan, impartial document that talks about facts. What do prosecutors do? They prosecute crimes. They go after people who have committed crimes once they have credible evidence, which we have not seen. Which we have not heard. Which no one has even hinted that they have.

In today’s *MLive*, Emily Lawler and Julie Mack talk about just this thing. They quote one of our former colleagues, the now-current prosecutor from Macomb, someone we all know and know well and know has never pulled a punch or thought a second twice about his words. And when asked about his evidence he said he doesn’t know. He doesn’t have any, “but rather a culmination of general information he’d like law enforcement to look into.” Now I’ve never heard Pete Lucido make a statement so guarded; to say something so obtuse. The Pete Lucido I served with would tell you something that was always more colorful, always more clear. And so when he’s dancing around an issue, there’s probably not much there. But, you know, I just think that’s a waste of money. I think it’s a waste of our time, it’s a waste of our resources. But let’s talk about what the investigative journalists found out. They said

On two different metrics, Michigan is slightly below the national average in regards to nursing home deaths: The death toll per 1,000 nursing home residents and the percentage of total COVID-19 deaths attributed to long-term care facilities. On the latter, about 31% of the state’s COVID-19 deaths are attributed to long-term care facilities compared to a national average of 34%

Which makes us 3 percent lower.

Now, no one is saying that Michigan did a bang-up job. No one is saying that anyone did. COVID-19 was terrible; is terrible. It hurt people. We lost people. We should be spending all of our time trying to make sure we lose less people, not going back and saying, Well, did someone try and think about this thing incorrectly when we all know that everyone was trying to do the best that they could? People made mistakes. But that’s not what this is about. And, quoting again from the article

In focusing on that policy, Republicans are ignoring the outsized role played by transmission rates in the communities where the nursing homes were located, say those who have studied the outbreak data. Experts say the big problem has not been patient transfers, but asymptomatic and pre-symptomatic transmission by nursing-home staff who come in and out of the facilities each day.

How do we stop asymptomatic spread? Simple. The Centers for Disease Control and Prevention says wear a mask, social distance. And yet, earlier this week members of this body were hanging out with someone who openly thwarted every attempt to do that, to cut community spread, to mitigate all these things in favor of more political moments; more opportunities to fight for the little guy. Let’s fight for the people who we’ve lost. Let’s make sure we lose less of them and let’s come together around these issues.

Now one of my good friends, the Senator from the 38th District, in talking about this thing said there were mistakes made, but “in good faith,” which doesn’t sound like the basis for a criminal investigation. It sounds like the basis for us to come together and say, Hey, what are the policy changes that we need to make going forward. And I know a number of the members in this chamber, both on the Republican and Democratic sides, are interested in doing those things. We’ve had those conversations. We’ve talked about changes to how we deal with these things and funding them. That’s the money we should be talking about allocating. Those are the funds that we should be spending these on, is getting more dollars into these local communities so that they can deal with spread.

But there was no policy to force COVID-19-positive patients in homes, something that seems to be re-adjudicated in this chamber every day, multiple times. But Michigan, and I'm quoting again

Michigan did do in the spring 2020 was create a system of 'hubs,' comprised of nursing homes that volunteered to take COVID-19 patients from other facilities who could not properly isolate them or patients leaving hospitals that needed a nursing home to go to. Those facilities were required to have total physical separation between the COVID and non-COVID patients and have separate staff.

That does not sound like the policy that we saw in New York. It does not sound like the policy that you've seen in some of the other places because in Michigan, no one was forced to take COVID-19-positive patients. And certainly no one was even encouraged to take them that could not handle and do it safely. But things were moving fast. I'm sure people were not doing everything that we now know they should have been. And so what we should be doing now is saying, How do we prepare them for the next moment? For the next day? Because we are still not out of this situation.

Melissa Samuel, the President and CEO of the Health Care Association of Michigan, said, "There's this theory that somehow Michigan did it differently, that we're weird'...but in fact, most states did the same thing as Michigan, in isolating COVID patients from non-COVID patients in the same facilities." Again, no investigation. The people who ran the thing were saying, We did what most people did, which was the best that we could. Which obviously was not good enough. So let's fix it going forward.

Even going further, in front of the United States Senate, Tamara Konezka, a University of Chicago expert in geriatric public health who testified Wednesday before the United States Senate committee looking into COVID deaths in nursing homes said, "I have seen no evidence, no good evidence, that those policies that Michigan had changed anything or had any effect on COVID-19 outcomes in nursing homes." So again, why do we constantly keep going back except for political points? Because all the experts say there is nothing there. The prosecutors say there is no good evidence. And people are looking. She goes on to say, "If you look at the nursing home deaths per nursing home residents, the highest states are equally divided between Republican states and Democratic states." This is not a political issue. This is an issue that we lost too many people we care about. This is the issue that we lost too many people that we love and we haven't spent enough time trying to make sure that that number is less. The states that had this policy about hospital admissions "don't pop out in any way."

We all know that COVID spread has been the number one issue. And I think the author sums it up quite clearly.

It's a point made by others. In focusing on the discarded policy from last spring, Republicans are discounting the major factor driving the numbers, which is community spread of the virus. Even a casual look at the pattern of nursing-home out breaks shows nursing home cases and deaths go up as transmission rates of the virus increase in the surrounding community.

That's a direct quote. We know that this is about stopping the spread in communities and that stops the spread in nursing homes. Again quoting, "Those nursing-home case and death trends are almost indistinguishable from virus prevalence in the surrounding community." Again, if you want to protect residents in nursing homes, protect residents outside.

For months the refrain has been from this chamber, Show us the data. Here is what the data says, and I'm quoting

Michigan is below the national average in percentage of coronavirus deaths attributed to skilled-nursing facilities, based on data collected by the U.S. Centers for Medicaid and Medicare Services. In Michigan, 23% of all coronavirus deaths involved residents of facilities reporting to CMS; nationally, it's 27%.

So Michigan is doing 4 percent better. Again, not great, but not worse.

Michigan is below the national average in coronavirus deaths per 1,000 nursing home residents, the CMS data shows. Michigan is slightly below average in percentage of people age 75 and older who have died of coronavirus, regardless of whether they lived in a long-term care facility. Since the start of the pandemic, 1.3% of Americans age 75 and older have died of coronavirus compared to 1.2 % of Michiganders in that age group.

There is no smoking gun. There is no data that suggests that all these things are going wrong.

Robyn Rontal, a policy analytics director at U-M's Center for Health and Research Transformation, led CHRT's independent analysis of Michigan's handling of coronavirus in nursing homes. That project involved 'many hours' of going through the data and working with state staff to access the data.

Because it's available. And she says, "We actually had lots of data to look at," and, "The publicly available data was really comprehensive." That does not sound like the data was hidden. It just sounds like professional researchers are good at finding data. Yes, they are. Have you ever gone to the library and not been able to find something and you ask the librarian and the librarian knows exactly where it is because that's their job? They are a professional. We have professional researchers. We have professionals who investigate these things and they charge way less than attorneys. And they come back with not just what happened, but with solutions to go forward. And Michigan has incredible resources. We have one of the best public health schools in the country; in the world. And what they are doing is trying to find solutions on how we change our policy to protect more people. We should spend our dollars with researchers looking for answers that can be turned into policy, not wasting our dollars on prosecutors who can only go back and say, Well, we investigated and no crimes were committed because we didn't have good evidence because there is no reason to start an investigation. Exactly, there is no basis for an investigation. There have been no calls for an investigation from any legitimate prosecutor based on evidence, which is what all good prosecutions rely on. Evidence.

Now what there have been are a number of people who say, Hey, what happened is unacceptable. And I'll be the first among them. It was unacceptable. And the way we solve that is by having better planning and better policies for the future. And so, colleagues, I'd ask that we don't spend money offering grants or bribes to local prosecutors to waste time and resources that should be spent on better things and instead send those dollars to universities, to researchers, who already don't have enough funding to do the incredibly valuable work that is necessary to answer the questions of how you stop the spread, how you protect our most vulnerable residents, and most importantly, how we better prepare for what will undoubtedly be another time that we have to deal with this challenge.

Senator Bayer's statement is as follows:

The data is clear, and as the Senator from the 2nd District mentioned, there is a lot of data. It's available to the public. It's available to members of this body if we bothered to look at it, and has been quoted many times in the press and other sources.

It is a fact that Michigan has done better than the national average in nursing home deaths. There is no evidence that there is any hidden data or falsification of data that would change this. There have been no nursing homes that were forced to accept COVID-positive patients against their will. None. I was a member of the Nursing Home Task Force and we looked at other states. We looked at what other states were doing. Many were following Michigan's lead. We were one of the first that got hit the hardest in the earliest days and we took the bull by the horns and we started managing this. Other states followed us.

Here in this room we know for sure this bill is politics. There are no facts. There is no evidence. Listening to campaign speeches in this chamber is irritating at best, but it's infuriating for those of us who came here purely to do work for the people of Michigan—for our constituents. This is so much worse than listening to campaign speeches here on this floor. This is so much worse because now, in addition to being campaign speeches on the floor, we are proposing to spend taxpayer dollars on frivolous lawsuits that will fail because there is no evidence. There are no facts. This is a huge waste of time and money. We came here to serve the people, not spend their hard-earned money on campaign stunts.

Senator Hertel's statement is as follows:

Well, you know it's always nice to be lectured on the floor of the Senate about the truth from someone who called for a special prosecutor even though none actually exists, and now you defend that and are coming forward to give money if they'll investigate their enemies.

All of that being said, to tell the truth again, the data that was just mentioned by the previous speaker is online. It is by facility, online. It is 100 percent available. What was denied to the media was specific health information of individuals. They don't have the ability to do that. And that can't be released by HIPAA unless there is a court order. So I would suggest again, if you're going to tell the truth, you should at least try to figure out what the truth is. Those that are in the nursing home industry have clearly stated that no nursing homes were ever forced to take COVID-positive patients. We had an investigation here in the Senate. That investigation came to the conclusion that there was no evidence that nursing homes were forced to take

COVID-positive patients. It may be more convenient if it was true, it may be politically convenient if it was true, and it may make a nice news story if it was true. Unfortunately, in order for things to be true, they actually have to have evidence to be true. And paying someone \$250,000 is not going to prove it true either. I ask my colleagues to vote “no” on this bill.

Senators Hertel, Brinks, Runestad and Theis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hertel’s statement is as follows:

I’d like to start with a quote: “Russia, if you’re listening, I hope you’re able to find the 30,000 emails that are missing. I think you will probably be rewarded mightily by our press.” Now that is a quote of former President Trump. I say “former,” because I’m not sure you all know. That being said, at that time, that was the most crass political attempt I’ve ever seen of someone publicly asking someone to investigate their adversary.

That is, until today, when in this supplemental, money is only available to a prosecutor if they specifically will be investigating whether the Governor and her policies made this exact thing. Nothing else, not if nursing home deaths happened for some other reason, not the facts of the story, not to investigate to see what happened; only if the target of the investigation—before the facts are evident—is there. I’ve never seen anything like it in legislation in my life. But that’s, right now, the wording that is in this document. Not even an “or,” an “and.” Nursing home deaths and—and—an investigation directly into this person. A payoff of a specific amount of money to investigate your political adversaries. While at the same time, we had an investigation. The good Senator from the 38th District was quoted in an article just today, saying that the mistakes that were made, were made in good faith. Again, saying that our own investigation showed no evidence of criminal intent. In that same article, Melissa Samuel, who is the political director for the nursing home industry, said very specifically that there is no evidence, and that no nursing homes were forced or mandated to take people. She said that there’s a theory that somehow Michigan did it differently, that we’re weird. But in fact, that most states did the exact same thing as Michigan, in isolating COVID patients from non-COVID patients in the same facilities. You cannot ask, and put an appropriation, subject to an investigation of your own political adversaries. No one in the world would take that seriously.

You know, the President later on pretended like he was making a joke. It’s hard to say that when you actually put it into legislation. So, what my amendment will do, is say what’s good for the goose is good for the gander. It inserts after your investigation, so you still get to pay off those that you would like to have an investigation into something that you say happened, that you investigated, and proved did not, but it would say afterwards, “or the coordination between the Republican political campaigns and policymakers would go to any investigation described in this section.” So it would seem that if you’re OK, you get your investigations of what you’ve already said hasn’t happened, then everyone else can investigate the real cause of why we’re doing this, which is the political crass nature of paying somebody a specific amount of money only if they’ll investigate your own adversary.

Senator Brinks’ statement is as follows:

I rise to offer a substitute to Senate Bill No. 27. This bill would propose that we conduct or allow counties to conduct investigations of the nursing home policies of our Governor throughout this pandemic, and I have news for you in case you haven’t noticed, there’s already been significant study and examination and investigation into this matter. In fact, there’s been more than one investigation. “Republicans look for smoking gun on Whitmer’s handling of coronavirus in nursing homes. The data doesn’t indicate there is one.” If that sounds familiar, it’s because it’s in a headline today in *MLive* and I just want to point out that the reporter has gone through and made a clear explanation of the data that has been uncovered in multiple studies citing multiple experts.

I’m just going to read a couple excerpts from that article.

Michigan is below the national average in nursing-home deaths from COVID-19.

It’s below the national average in coronavirus death rate among elderly people regardless of whether they lived in a nursing home.

While the COVID pandemic has been horrific for nursing-home residents across the country, there’s no evidence that Michigan has been hiding data or is an outlier in its handling of the situation.

That's the beginning. Since I only have five minutes and it's a long, in-depth article that's very thorough, I am only going to read a couple of spots. I'll skip to a little bit later.

On two different metrics, Michigan is slightly below the national average in regards to nursing home deaths: The death toll per 1,000 nursing home residents and the percentage of total COVID-19 deaths attributed to long-term care facilities. On the latter, about 31% of the state's COVID-19 deaths are attributed to long-term care facilities compared to a national average of 34%.

Republicans are ignoring the outsized role played by transmission rates in the communities where the nursing homes were located, say those who have studied the outbreak data. Experts say the big problem has not been patient transfers, but asymptomatic and pre-symptomatic transmission by nursing-home staff who come in and out of the each day.

To industry experts and those who have delved into Michigan's nursing home data, the push to investigate smacks of politics, not policy.

Michigan's Senate Oversight Committee held hearings; a state task force was convened to look into the situation, and a think tank affiliated with the University of Michigan did its own analysis over the summer.

They all concluded that mistakes were made and there were lessons to be learned, but those largely resulted from how hard and fast the pandemic hit in March 2020, leaving nursing homes and the state scrambling to react to a highly contagious and deadly virus that nobody had encountered before.

Others go on to say—this comes from someone at the University of Chicago

“I have seen no evidence, no good evidence, that those policies that Michigan had changed anything or had any effect on COVID-19 outcomes in nursing homes,” said Tamara Konetzka, a University of Chicago expert in geriatric public health.

I could go on. There are more and more examples. There's more data. I urge you to take a look at it. Today, my substitute—instead of providing those dollars that belong to the people of Michigan for investigations that have already been done, that will turn up no wrongdoing—instead my substitute would put this money into the things we need most. It's been 88 days since the Trump administration signed legislation that provided states with COVID response dollars. In Michigan, we in this body have yet to allocate all of that funding. This money is for vaccines, for testing, money to keep families in their homes, to put food on people's tables, money for businesses trying to survive during the pandemic, and you are holding it up. This is not our money. This money is meant to help our constituents, the people of Michigan, not to be used as a political weapon. Let's stop the political games. Let's do our job. I ask that you support my substitute.

Senator Runestad's statement is as follows:

We hear all these references to the credible evidence. What credible evidence? All we're given is the aggregated numbers. What everybody wants to see are the subnumbers, the subdata beneath that. That is what is being hidden from the people here in the state of Michigan. The administration is not responding to FOIA requests. Charlie LeDuff, an award-winning journalist, has asked for this information and is being denied, so he has to sue the state for data that should be readily-made to the citizens here in the state of Michigan.

Other media have made FOIA requests and have been denied. In fact they are asking us, Can you get this information through another means because we, the media, cannot get these numbers. The chair of the Oversight Committee in the House, Steve Johnson, has asked Director Hertel to come in and answer questions about this data and he's being denied. She will not come in. Now, we find Gordon with his secret hush money contract was released—I don't know what kind of conversation they had about what this means, this releasing him to talk—but he isn't going to talk. He's sent in a letter of some meaningless information, but he won't come in and answer questions from the committee. So we're not getting data. We're not getting evidence. All this reference to data and evidence—if it were there, if it's so good, then produce it. Come in front of these committees and start talking about all of this data that is being buried and hidden. We're only getting data on the nursing homes. The other states in the Midwest are providing nursing homes and assisted living. *The Detroit News* said that Michigan's data is very limited that is being provided.

So, we're hearing references to the Governor's Executive Order No. 2020-50. This pertains to what is going to happen with COVID patients and where they are going to go and how they are going to be transferred. It is very clear in Executive Order No. 2020-50, that these nursing homes, if they have a census under 80, must create a dedicated unit and must accept these COVID-infected patients. It's clear. Anyone who reads that language will know it's clear. At the end of it, it says it's a misdemeanor. They are saying, Oh, it's volunteer; you don't have to; it's a misdemeanor if you don't comply with that executive order.

So we're getting a lot of mixed messages here on the floor but the reality is what's actually in the executive order and in this hiding of the data. The Governor has referenced a couple of her great experts—a former director, president of the AARP—who knows what kind of relationship she has with him. And she says, There is my person who's going to advocate that I did a great job on this policy. A couple of University of Michigan professors she has cited that, we learned later, were funded by a group of people she appointed. And this is the evidence that she did a great job on this nursing home policy?

I just got done filming a video with an acknowledged expert who has a complete background in this kind of information, has installed filtration units in commercial buildings all over the state of Michigan. He was involved with looking at the selection process for where we can hold these patients in these field hospitals. And they selected the TCF Center because it had the special kind of unit on the top of the building that they can convert and make it similar to a hospital to remove the air that needed to be filtered. And he said the nursing homes no longer had those kind of systems. He wasn't aware of one in the state of Michigan that had the proper filtration system that would protect these patients. He wasn't consulted as to is this a good policy, but this was the decision by the Governor to put these patients in these nursing homes that were not set up to safely handle these patients. And there needs to be an investigation. We need to get to the bottom of it. The people of the state of Michigan want to have the answers. What happened to these patients? How did they die? Which ones contracted it in a nursing home and were later sent to a hospital and died there? We simply don't have those answers and we have to get to the bottom of it and get those answers.

Senator Theis' statement is as follows:

I am disappointed to be in the position of having to stand before you and ask for support on this bill. I'm disappointed because the very people entrusted by Michigan with the great responsibility of protecting our seniors acted irresponsibly. If our Governor had listened to the experts from day one and kept COVID-positive patients out of our nursing homes, this question wouldn't have to be asked and this bill wouldn't be necessary. If our Attorney General had put the people of this state before her political allegiances—like they did in New York—this bill wouldn't be necessary. Why is there no evidence? Even our ombudsmen were prohibited from access to the patients, prohibited from going into these facilities. There has been a definitive intent to hide the evidence. Initially, there wasn't even web offerings that allowed us to see the numbers. It was a daily posting of anything that was ongoing for the day. There was nothing cumulative. It was impossible to get our hands on that. The failure of these leaders to act does not relieve us of our obligation to do so. Despite the stonewalling by our Governor and the abdication of responsibility by our Attorney General, we owe it to the grieving families of this state to get answers. This bill provides resources to the county prosecutors to do what our Attorney General has refused to do—investigate the deaths of thousands of mothers, fathers, grandmothers, and grandfathers.

On behalf of those who were lost, I ask for your support.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Chang, Runestad and Shirkey asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Chang's statement is as follows:

Earlier this week, the United Way released a new report, highlighting that 38 percent of Michigan households are struggling to meet basic needs. I'd like to remind all of my colleagues that the COVID-19 pandemic is not over, and our families are still in need. People are having to make tough choices about what bills they can pay and how they will put food on the table.

I am very concerned that we are going on a break and we have not yet extended numerous sunsets on COVID-19 related issues—like open meetings so that our local government bodies can operate safely, unemployment insurance-related issues, and more. These bills that we passed, most with overwhelming support, will lose effect on March 31. In particular, we need to extend the water shutoff moratorium into the summer. Michiganders need our help.

Earlier this week was World Water Day and we must remember how critical it is to have access to clean, affordable water in order to protect public health. Congress has appropriated hundreds of millions of dollars in assistance for water arrearages yet to be distributed. While the work continues this front, we absolutely must continue to protect vulnerable children, seniors, and families here in Michigan.

I truly hope that when the Legislature returns to work in April, we will take immediate action to extend these sunset provisions that our residents need.

Senator Runestad’s statement is as follows:

In response to an overwhelming number of calls, e-mails, and text messages to our office, I introduced today Senate Bill No. 335. This bill exempts high school graduation commencement ceremonies sponsored by public and private schools from the emergency pandemic order issued by the Director of the Department of Health and Human Services. The schools in the communities across the state of Michigan are perfectly capable of making prudent and safe decisions on how to hold in-person events this year for graduating seniors, as well as those who graduated last year who may still want to have an opportunity to have an in-person ceremony if their school decides to provide one for them.

School-age children have been shown to be low-risk for impacting the transmission of this virus, and families in communities across the state of Michigan can be trusted to make the right decision whether to watch virtually or to attend. This bill specifically and rightfully exempts one of the most major milestone events in a person’s life. I’ll bet every single person in this chamber remembers their high school graduation and being able to look across all the other graduates and make eye contact. For most people, that’s the last time they will ever see all of that graduating class again for the rest of their life. Every one of us remembers that, our parents and grandparents, it’s a very, very important day for these seniors and their families.

Currently at an outside event, you can only have, by my reading of it, 300 people. Sometimes that means one parent can attend; both parents can’t attend. Grandparents can’t attend, even though there’s football fields that could easily handle a much larger number of people. This is what I talk about with this one-size-fits-all for the entire state of Michigan that we get these rulings from the Department of Health and Human Services that are devastating for these seniors. They have had such a tough time, and we can’t seem to get this administration and the Department of Health and Human Services to make a decision on a regional basis. These high schools should be able to make this decision for their communities, and then these families can make the decision on what they feel is safe.

I ask that this chamber take up and support this bill as soon as possible so that these families can take advantage of that opportunity this spring.

Senator Shirkey’s statement is as follows:

Yesterday we introduced a sizeable package of election reform bills. When I say sizeable, I mean sizeable—39 bills. Hundreds of pages of changes and updates to our complicated, and sometimes antiquated system that has shown some warts and vulnerabilities not just in 2020, but for several election cycles.

But near minutes after these bills were introduced, my colleagues across the aisle had issued press releases labeling them as voter suppression. I should say laughably labeling them as voter suppression. Our Secretary of State apparently managed to review all 39 bills and issue a press release in opposition while she was simultaneously giving testimony in Congress. That is an amazing feat, you have to admit. And then of course they were even described as “putting lipstick on Jim Crow.” Now I’d applaud the speed reading prowess if it wasn’t so obvious that there was no evidence that these bills were actually read at all. If people actually do read them, they’ll find pre-registration for 16-year-olds; election day on Saturday; access to state IDs for people who can’t afford them; making it easier for members of the military to vote; and a special emphasis on additional training for election workers, election observers, and election challengers.

I don’t see any of those things that do anything but make it more accessible and make it a fairer and easier to vote, harder to cheat bills and laws. These are just a few of the components in this package that have been inaccurately labeled voter suppression and racist, and done so even before the ink was dry. So as we prepare to pause and embrace, frankly, a well-deserved in-district work period, let’s all of us endeavor to actually read these important reform bills through the lense of assuring election integrity, making it easier to vote, harder to cheat, and proving that election integrity is not a partisan issue.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 25:

House Bill Nos. 4014 4050 4123 4211 4212 4345 4346 4347 4348 4349 4350 4351 4352
4353 4354 4355 4356 4357 4358 4359 4363 4429

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, March 24, for her approval the following bill:

Enrolled Senate Bill No. 100 at 3:48 p.m.

The Secretary announced that the following bills and resolutions were printed and filed on Wednesday, March 24, and are available on the Michigan Legislature website:

Senate Bill Nos.	271	272	273	274	275	276	277	278	279	280	281	282	283
	284	285	286	287	288	289	290	291	292	293	294	295	296
	297	298	299	300	301	302	303	304	305	306	307	308	309
	310	311	312	313	314	315							
Senate Concurrent Resolution Nos.				10	11								
Senate Resolution Nos.		33	34	35									
House Bill Nos.	4572	4573	4574	4575	4576	4577	4578	4579	4580	4581	4582	4583	4584
	4585	4586	4587	4588									

Committee Reports

The Committee on Energy and Technology reported

House Bill No. 4210, entitled

A bill to amend 1905 PA 282, entitled “An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act,” (MCL 207.1 to 207.21) by adding section 5c.

With the recommendation that the bill pass.

Dan Lauwers
Chairperson

To Report Out:

Yeas: Senators Lauwers, LaSata, Nesbitt, Barrett, Bumstead, Bizon and Schmidt

Nays: Senators McCann, Brinks and Bullock

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Wednesday, March 24, 2021, at 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Lauwers (C), Horn, LaSata, Nesbitt, Barrett, Bumstead, Bizon, Schmidt, McCann, Brinks and Bullock

Excused: Senator McMorrow

The Committee on Finance reported

Senate Bill No. 145, entitled

A bill to create the Michigan first-time home buyer savings program; to provide for first-time home buyer savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax deductions; and to provide for penalties and remedies.

With the recommendation that the bill pass.

Jim Runestad
Chairperson

To Report Out:

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

Nays: Senator Alexander

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 146, 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.

With the recommendation that the bill pass.

Jim Runestad
Chairperson

To Report Out:

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

Nays: Senator Alexander

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 248, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 325, 687, and 701 (MCL 206.325, 206.687, and 206.701), section 325 as amended and section 687 as added by 2011 PA 38 and section 701 as amended by 2011 PA 311, and by adding chapter 18.

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, March 24, 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 Appropriations reported

Senate Bill No. 243, 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.

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 Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, Nesbitt, Outman, Runestad, Schmidt, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 256, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2020 PA 29.

With the recommendation that the bill pass.

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

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, Nesbitt, Outman, Runestad, Schmidt, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4469, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2021; to provide for expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

With the recommendation that the bill pass.

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

Jim Stamas
Chairperson

To Report Out:

Yeas: Senators Stamas, Bumstead, Barrett, Bizon, LaSata, MacDonald, Nesbitt, Outman, Runestad, Schmidt, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 24, 2021, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Stamas (C), Bumstead, Barrett, Bizon, LaSata, MacDonald, Nesbitt, Outman, Runestad, Schmidt, Victory, Daley, Hertel, Bayer, Hollier, Irwin, McCann and Santana

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, March 24, 2021, at 8:30 a.m., Room 403, 4th Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Corrections and Judiciary submitted the following:

Meeting held on Wednesday, March 24, 2021, at 11:30 a.m., Room 1200, Binsfeld Office Building

Present: Senators Bizon (C) and Hollier

Excused: Senator Runestad

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 24, 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 Appropriations Subcommittee on General Government submitted the following:

Meeting held on Wednesday, March 24, 2021, at 3:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Victory (C), Bumstead, MacDonald and Irwin

Senator LaSata moved that the Senate adjourn.

The motion prevailed, the time being 12:29 p.m.

Pursuant to Senate Concurrent Resolution No. 12, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, April 13, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

