

**No. 50**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**101st Legislature**  
**REGULAR SESSION OF 2021**

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Senate Chamber, Lansing, Wednesday, June 2, 2021.

10:00 a.m.

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

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

Alexander—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—present  
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 Lana Theis of the 22nd District offered the following invocation:

Father God, there is a lie out there today. It says that if you disagree you have to dislike, or even hate, the person that you disagree with. Lord, I pray that Your light shines on this lie so that we may know that first and foremost we must show Your love, and then discuss our disagreements. Lord, I thank You for this body. I thank you for the leadership within this body. I pray that Your will is known to them all; that everything we do benefits the people of Michigan. Lord in all things I honor You.

I pray these things in the name of the Lord, Jesus Christ. Amen.

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

### Motions and Communications

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

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

May 25, 2021

Enclosed is a copy of the following report:

- Performance audit report on the Office of Investigative Services Enforcement Division, Department of State (231-0234-20).

May 28, 2021

Enclosed is a copy of the following report:

- Report on internal control, compliance, and other matters is being issued in conjunction with our financial audit of the *State of Michigan Comprehensive Annual Financial Report* for the fiscal year ended September 30, 2020 (071-0010-21).

Sincerely,  
Doug Ringle  
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communication was received:  
Office of Senator Sean McCann

May 24, 2021

I respectfully request that my name be added as a co-sponsor to Senate Joint Resolution I of 2021, introduced by Senator Irwin.

If you have any questions, please do not hesitate to contact my office. Thank you for your attention to this matter.

Sincerely,  
Sean McCann  
State Senator  
20th District

The communication was referred to the Secretary for record.

The following communications were received:  
Office of Senator Curtis Hertel Jr.

May 26, 2021

I am writing to request my addition in co-sponsorship for Senate Resolution 54, sponsored by Senator McCann.

Please feel free to contact me if you need any further information.

May 26, 2021

I am writing to request my addition in co-sponsorship for Senate Bill 451, sponsored by Senator Stamas. Please feel free to contact me if you need any further information.

Sincerely,  
Curtis Hertel Jr.  
State Senator  
District 23

The communications were referred to the Secretary for record.

The following communication was received:  
Office of Senator Dale W. Zorn

June 2, 2021

I would like to respectfully request that my name be removed as a co-sponsor for Senate Bill 265.

Sincerely,  
Dale Zorn  
State Senator – District 17

The communication was referred to the Secretary for record.

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

The motion prevailed.

Senator Polehanki's statement is as follows:

Today I want to recognize one of my staff members, Collin Fowler. Collin has been working in my office since September. He's been helping constituents with issues they have had, including unemployment and finding vaccine locations at the height of the pandemic. Collin has worked tremendously hard researching possible legislation and responding to residents advocating for policy changes. Today is his last day in our office and we will miss having him as part of the team. Luckily, we won't have to go far to visit Collin. He is joining Senator Brinks' staff as Director of Constituent Relations. Please join me in thanking Collin for all of his work for the people of the 7th District.

By unanimous consent the Senate proceeded to the order of

#### **Messages from the House**

#### **Senate Bill No. 157, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16103, 16109, 16181, 16303, 16323, and 20950 (MCL 333.16103, 333.16109, 333.16181, 333.16303, 333.16323, and 333.20950), section 16103 as amended by 1993 PA 80, section 16109 as amended by 1991 PA 58, section 16181 as amended by 2014 PA 148, section 16303 as added by 1988 PA 462, section 16323 as amended by 2018 PA 463, and section 20950 as amended by 2013 PA 165, and by adding section 16186a.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Senator Lauwers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Recess**

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

The motion prevailed, the time being 10:07 a.m.

11:33 a.m.

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

During the recess, Senator Santana entered the Senate Chamber.

**Senate Bill No. 312, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 103, 104, 105, 213, and 2404b (MCL 339.103, 339.104, 339.105, 339.213, and 339.2404b), section 103 as amended by 1994 PA 257, section 104 as amended by 2020 PA 372, section 105 as amended by 2016 PA 502, section 213 as amended by 2014 PA 149, and section 2404b as amended by 2014 PA 175, and by adding section 217.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Senator Lauwers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Lauwers moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

**House Bill No. 4377**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Irwin, Chang, Hertel, McMorrow, Polehanki, McCann, Moss, Bayer and Santana introduced

**Senate Bill No. 497, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520a (MCL 750.520a), as amended by 2014 PA 64.

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

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

**Senate Bill No. 498, entitled**

A bill to establish a tuition assistance program for certain undergraduate students in this state attending certain colleges, universities, and junior and community colleges; to provide for the administration of the tuition assistance program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Senators Daley, Irwin, Wojno, LaSata, Hollier, Victory, Bayer, Ananich, MacDonald, Brinks, Chang, VanderWall and Schmidt introduced

**Senate Bill No. 499, entitled**

A bill to provide definitions for the complex needs patient act.

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

Senators Irwin, Daley, Wojno, LaSata, Victory, Bayer, Ananich, Hollier, MacDonald, Brinks, Chang, VanderWall and Schmidt introduced

**Senate Bill No. 500, entitled**

A bill to ensure access to quality complex rehabilitation technology in the Medicaid program for people with complex medical needs; and to prescribe the powers and duties of certain state departments.

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

Senator Horn introduced

**Senate Bill No. 501, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 28 (MCL 421.28), as amended by 2020 PA 229.

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

**House Bill No. 4256, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 502c (MCL 750.502c), as amended by 2015 PA 144.

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

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

**House Bill No. 4293, entitled**

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,” by amending section 15 (MCL 423.215), as amended by 2014 PA 414.

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

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

**House Bill No. 4294, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1233 (MCL 380.1233), as amended by 2018 PA 418.

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

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

**House Bill No. 4516, entitled**

A bill to amend 2018 IL 1, entitled “Michigan Regulation and Taxation of Marihuana Act,” (MCL 333.27951 to 333.27967) by adding section 11a.

The House of Representatives has passed the bill by a 3/4 vote and ordered that it be given immediate effect.

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

**House Bill No. 4517, entitled**

A bill to amend 2018 IL 1, entitled “Michigan Regulation and Taxation of Marihuana Act,” by amending sections 3 and 8 (MCL 333.27953 and 333.27958), as amended by 2020 PA 208.

The House of Representatives has passed the bill by a 3/4 vote and ordered that it be given immediate effect.

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

**House Bill No. 4740, entitled**

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 102 (MCL 333.27102), as amended by 2020 PA 207.

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

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

**House Bill No. 4741, entitled**

A bill to amend 2020 PA 220, entitled “Industrial hemp growers act,” by amending section 103 (MCL 333.29103), as amended by 2021 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 Regulatory Reform.

**House Bill No. 4742, entitled**

A bill to amend 2016 PA 282, entitled “Marihuana tracking act,” by amending section 2 (MCL 333.27902), as amended by 2018 PA 439.

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

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

**House Bill No. 4743, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7106 (MCL 333.7106), as amended by 2018 PA 642.

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

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

**House Bill No. 4744, entitled**

A bill to amend 2014 PA 547, entitled “Industrial hemp research and development act,” by amending section 2 (MCL 286.842), as amended by 2018 PA 641.

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

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

**House Bill No. 4745, entitled**

A bill to amend 2008 IL 1, entitled “Michigan Medical Marihuana Act,” by amending section 3 (MCL 333.26423), as amended by 2016 PA 283.

The House of Representatives has passed the bill by a 3/4 vote and ordered that it be given immediate effect.

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

**House Bill No. 4746, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 914b (MCL 436.1914b), as added by 2018 PA 346.

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

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

By unanimous consent the Senate returned to the order of

**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Hollier as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 242, entitled**

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 10 and 12 (MCL 46.410 and 46.412), section 12 as amended by 2013 PA 84.

**Senate Bill No. 245, entitled**

A bill to amend 1966 PA 293, entitled “An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 45.514), as amended by 2017 PA 210.

**House Bill No. 4325, entitled**

A bill to amend 1981 PA 180, entitled "Older Michigianians act," (MCL 400.581 to 400.594) by adding section 6l.

**Senate Bill No. 372, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 309 (MCL 484.2309), as amended by 2011 PA 58.

**House Bill No. 4445, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 518 (MCL 436.1518), as amended by 2010 PA 279.

The bills were placed on the order of Third Reading of Bills.

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

**House Bill No. 4122, entitled**

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

Substitute (S-1).

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

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

**Senate Bill No. 437, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2017 PA 217.

Substitute (S-1).

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

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

**Senate Bill No. 458, entitled**

A bill to amend 1846 RS 12, entitled "Of certain state officers," (MCL 10.2 to 15.39) by adding section 3. Substitute (S-2).

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.

**Recess**

Senator Lauwers moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 11:54 a.m.

12:33 p.m.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**Senate Bill No. 429**

**Senate Bill No. 430**

**Senate Bill No. 431**

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

By unanimous consent the Senate returned to the order of

**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Hollier as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 430, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13f (MCL 777.13f), as added by 2002 PA 30.

**Senate Bill No. 431, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

The bills were placed on the order of Third Reading of Bills.

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

**Senate Bill No. 429, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9115 (MCL 324.9115), as amended by 2017 PA 40, and by adding part 639.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**Senate Bill No. 429**

**Senate Bill No. 430**

**Senate Bill No. 431**

**Senate Bill No. 458**

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**

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

**Senate Bill No. 429**

**Senate Bill No. 430**

**Senate Bill No. 431**

The motion prevailed.



The following bill was read a third time:

**Senate Bill No. 429, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 9115 (MCL 324.9115), as amended by 2017 PA 40, and by adding part 639.

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. 237**

**Yeas—19**

Ananich	Hollier	Outman	VanderWall
Barrett	Horn	Santana	Victory
Bizon	LaSata	Schmidt	Wojno
Bullock	Lauwers	Shirkey	Zorn
Hertel	Nesbitt	Stamas	

**Nays—17**

Alexander	Daley	MacDonald	Moss
Bayer	Geiss	McBroom	Polehanki
Brinks	Irwin	McCann	Runestad
Bumstead	Johnson	McMorrow	Theis
Chang			

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 430, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13f (MCL 777.13f), as added by 2002 PA 30.

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. 238**

**Yeas—20**

Ananich	Hollier	Nesbitt	Stamas
Barrett	Horn	Outman	VanderWall
Bizon	LaSata	Santana	Victory
Bullock	Lauwers	Schmidt	Wojno
Hertel	MacDonald	Shirkey	Zorn

**Nays—16**

Alexander	Chang	Johnson	Moss
Bayer	Daley	McBroom	Polehanki
Brinks	Geiss	McCann	Runestad
Bumstead	Irwin	McMorrow	Thisis

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 431, entitled**

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

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. 239**

**Yeas—20**

Ananich	Hollier	Nesbitt	Stamas
Barrett	Horn	Outman	VanderWall
Bizon	LaSata	Santana	Victory
Bullock	Lauwers	Schmidt	Wojno
Hertel	MacDonald	Shirkey	Zorn

**Nays—16**

Alexander	Chang	Johnson	Moss
Bayer	Daley	McBroom	Polehanki
Brinks	Geiss	McCann	Runestad
Bumstead	Irwin	McMorrow	Thisis

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

**Protests**

Senator Daley, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 429, 430, and 431.

The motion prevailed.

Senator Daley’s statement is as follows:

I rise today to give my “no” vote explanation on Senate Bill Nos. 429, 430, and 431. This issue has been debated in my district and in this chamber for many years, but specifically in the Metamora community. For the last few sessions we have seen legislation stripping away local control. This session we have legislation that not only strips away local control, but hands it over all to the authority of a department. I, for one, don’t believe that handing over the permitting process to the Department of Environment, Great Lakes, and Energy is in our best interests. After the last year, I think we need less state centralized control, not more. I understand the frustration our local officials and the Metamora community are facing with this bill. They know what’s best for our communities and we should not take away their right to have a say in matters like these. And we definitely shouldn’t be letting the department make decisions on what’s best for them. It’s too late to encourage a “no” vote, but I would have encouraged a “no” vote on this bill today.

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

**Senate Bill No. 212**

**House Bill No. 4224**

**House Bill No. 4225**

**Senate Bill No. 458**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 212, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 558 (MCL 168.558), as amended by 2018 PA 650.

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. 240**

**Yeas—36**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4224, entitled**

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

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. 241**

**Yeas—36**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

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 provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4225, entitled**

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

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. 242**

**Yeas—36**

Alexander	Daley	MacDonald	Santana
Ananich	Geiss	McBroom	Schmidt
Barrett	Hertel	McCann	Shirkey
Bayer	Hollier	McMorrow	Stamas

Bizon	Horn	Moss	This
Brinks	Irwin	Nesbitt	VanderWall
Bullock	Johnson	Outman	Victory
Bumstead	LaSata	Polehanki	Wojno
Chang	Lauwers	Runestad	Zorn

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

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 provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 458, entitled**

A bill to amend 1846 RS 12, entitled “Of certain state officers,” (MCL 10.2 to 15.39) by adding section 3.

The question being on the passage of the bill,

Senator Irwin offered the following amendment:

1. Amend page 2, following line 10, by inserting:

**“(4) The notice requirement under subsection (2) does not apply if the individual that assumes the powers and duties of the office of the governor in accordance with section 26 of article V of the state constitution of 1963 knows or reasonably believes that any of the individuals listed under subsection (2)(a) to (d) presents a security risk to this state because of his or her affiliations with a domestic terrorist organization.”.**

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. 243**

**Yeas—16**

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

**Nays—20**

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

Excused—0

Not Voting—0

In The Chair: Nesbitt

Senator Hollier offered the following amendment:

1. Amend page 2, following line 10, by inserting:

“(4) Beginning on the effective date of the amendatory act that added this section, any of the following individuals shall notify the governor or an individual that assumes the powers and duties of the office of the governor in accordance with section 26 of article V of the state constitution of 1963 before that individual leaves the state for any purpose:

(a) The senate majority leader.

(b) The senate minority leader.

(c) The speaker of the house of representatives.

(d) The minority leader of the house of representatives.

(5) The notice required under subsection (4) must be in writing and state the individual’s expected return date.”.

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. 244

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: Nesbitt

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 245

Yeas—20

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis

Bumstead  
Daley  
Horn

Lauwers  
MacDonald  
McBroom

Runestad  
Schmidt  
Shirkey

VanderWall  
Victory  
Zorn

**Nays—16**

Alexander  
Ananich  
Bayer  
Brinks

Bullock  
Chang  
Geiss  
Hertel

Hollier  
Irwin  
McCann  
McMorrow

Moss  
Polehanki  
Santana  
Wojno

**Excused—0**

**Not Voting—0**

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

Senators Irwin, Barrett, Hollier, Hertel and Geiss asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Irwin’s statement is as follows:

I unfortunately rise to offer this amendment and ask for my colleagues’ support. The amendment would allow the state to not communicate information about the whereabouts of the Governor with folks who are known to consort with domestic terrorists. I think it’s very unfortunate that we saw what we saw on January 6 and one of the most unfortunate elements of that Capitol insurrection was what’s coming out now—that Members of Congress were actually helping some of these individuals, giving them tours of the facility. That’s the sort of individual I don’t think we can trust this kind of information with and so I offer this amendment.

Senator Barrett’s first statement is as follows:

Reading this amendment, it struck me as interesting that instead of having the Governor notify law enforcement or somebody who could actually act in a situation to arrest a person who was a domestic terrorist, we’re instead going to conceal the fact that someone else is acting in the role of Governor. I would support a separate bill if the sponsor of this amendment were to bring one forward that if the Governor had reason to believe that someone in the Legislature was a domestic terrorist, that they would report that to law enforcement—to our Michigan State Police, to the FBI, or other responsible enforcement agencies—to have that thoroughly investigated, and to then bring a resolution of expulsion to this body so that we could expel a domestic terrorist that is in our chamber.

Senator Hollier’s statement is as follows:

My amendment is simple. I think as we talk about the Legislature continuing to have a role in governance and all the things that are necessary, it simply provides that the leadership of the House and the Senate have the same reporting requirement as we talk about co-equal branches of government. So this would apply to the majority and the minority party and just hold them to the exact same standard that we are asking of the Governor. And so should an emergency happen—should one of these things happen where legislative leaders should be consulted—it just requires that the same level of notice be given to the Governor about where our legislative leaders are. I think this maintains balance throughout our system and ensures that the continuity of government that is so critical and that is being reported in this space is reciprocated from the chambers so that, should the Governor need to reach out to a legislative leader, they know who to reach out to and who is going to be operating in that space when legislators are out of the state.

Senator Barrett's second statement is as follows:

I appreciate the sentiment offered from the Senator from the 2nd District, my friend from Detroit, but I just cannot support this amendment. I think as you look at what the amendment seeks to do and you contemplate and overlay that with the constitutional separation of powers that exists, the Governor and the office of the Governor has a very defined line of succession. And our State Constitution says when the Governor is absent from the state, the person next in the line of succession assumes the duties and responsibilities of Governor. There is no line of succession for any of us here. In fact, we have two members who have vacated their seats because they were elected to other offices. There is no line of succession. You will note that their seats are vacant because their absence will not be filled until there is a special election to replace them. So there is no line of succession for members of the Legislature.

In addition to that, we do not have the ability as a Legislature to act in an emergency situation. The Governor, on the other hand—and we've debated this in this chamber—has emergency powers that are granted to them. It is important for us to know who is acting in the role of Governor. That is simply what this bill seeks to do. And there is no reason or purpose for us to notify somebody of our absence when we don't have the authority outside of this Capitol Building. We don't vote on legislation other places in this state. We can't issue orders of emergency as legislators and there is no line of succession for us. Who would we notify that's taking our place when we're gone? There is nobody because there is no line of succession for members of the Legislature.

Senator Hertel's statement is as follows:

Colleagues, it's hard to believe, but the days here get sillier and sillier. We are now passing legislation on what notes need to be passed between the Governor and the Legislature. It seems relatively silly. If you are wondering where the Governor lives, it's in a space rent-free between the sponsor's head. This legislation is the equivalent of an internet troll. We see what's going on Facebook and Twitter and we somehow get a priority legislation to drop nonsense. I don't know how many of you have ever watched Chappelle's Show, but this body is starting to remind me a lot of the Playa Haters' Ball, a contest of who can hate the most and who can come up with the most ridiculous insults back and forth. That's where we are now. So, I appreciate the comedy show that we're doing today again. I look forward to actually accomplishing real things, that we can talk about, I don't know, the millions of dollars in federal funds that are not being spent at this point, the real help that people need, a budget that still is not being negotiated, and all the things that actually matter to Michigan citizens and not whatever this is. So, again, to the sponsor and to the other side of the aisle and to those who enjoy Chappelle's Show, thank you for a lovely comic relief again today of what this body has become.

Senator Barrett's third statement is as follows:

I'm glad that the Senator from the 23rd District could get that off of his chest. I'm also glad that our friends from *MIRS* are here so that he can do his audition for quote of the day again. I guess when you're a prominent member of the minority party, that's what you can strive for to make a difference here in the Senate Chamber. I, however, seek to actually have legislation that passes the chamber and gets signed into law. This bill is simple. They can't argue the merits against it so they have to come up with ridiculous Chappelle's Show accusations or something to that effect. And this bill has a real purpose. When the Governor of the state of Michigan leaves the state, he or she transfers their authority to the person next in the line of succession. It's very clear and it's unambiguous in our State Constitution. No one here has argued that that isn't the case. What this bill does is simply says that whomever takes over that responsibility of the duties of Governor of the state, in the temporary absence of the Governor, would simply have to notify the bipartisan legislative leadership that they are acting in the place of the Governor temporarily. I don't think that's too much to ask. We had a serious emergency in our state last year—the one-year anniversary of the floods in Midland that devastated that community was the day that I introduced this bill. It shows the real impact of needing to know who can sign a declaration of emergency. And if we don't know who that is, we are not able to react as quickly. We've all been through a whole year-and-a-half long debate and concern about emergency powers and emergency declarations and everything else. But I will submit this: the Legislature does not sign declarations of emergency. That is an executive branch function. We're simply asking to know who is filling the role at any particular time. There is no security risk to this. There is no reason to debate that something upward is going to happen. You can't say that traveling out of state and notifying the Legislature that somebody else is acting temporarily as Governor is a security risk, but real time posting your photo at the Landshark in East Lansing is not. Let's get to the business of the day, let's vote this bill, and let's get our work done.



Senator Geiss' statement is as follows:

I'm really curious, given that we know what the order of succession is, and it goes from if the Governor is not present—is not in the state—then it goes to the Lieutenant Governor. So what's your real reason for wanting to know the whereabouts of the Governor and wanting to be notified when the Governor is away and the Lieutenant Governor would be the person acting? Nobody had this issue two terms ago. Nobody. So when the previous Governor was out of town and the then-Lieutenant Governor was the person who was acting in that executive capacity—was signing things or making decisions—I didn't hear a peep out of anybody up here. So what's the real reason? Thank you, I'd like my remarks printed in the Journal, and I would like an answer.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

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

#### **Senate Bill No. 74, entitled**

A bill to amend 1865 PA 124, entitled “An act to designate the holidays to be observed in acceptance and payment of bills of exchange, bank checks and promissory notes, the business of banking, savings and loan, building and loan, municipal offices, the holding of courts and relative to the continuance of suits,” by amending section 1 (MCL 435.101), as amended by 1984 PA 4.

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

Senator Lauwers moved that the bill be referred to the Committee on Regulatory Reform.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### **Statements**

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

The motion prevailed.

Senator Moss' statement is as follows:

Danny Fenster, a Huntington Woods native and an American journalist, was detained at Yangon International Airport on Monday, May 24. He was coming home for the first time in over three years to surprise his parents, his niece and nephew, and his 95-year-old grandmother. The American Embassy only knew of Danny's detainment because his wife received a text from him before he was to board his flight saying, “I've been detained. Call the American Embassy now.” Still, the Ministry of Home Affairs in Myanmar has yet to contact the American Embassy, even after multiple requests from consular services to visit Danny. There's no confirmation of his well-being and no line of communication to him. The Fenster family has been in constant contact with the State Department and embassy but information moves incredibly slowly with the Myanmar regime.

I've been speaking to Danny's brother Bryan every other day or so. According to Danny's family, he's always been the adventurous type—from operating a hot dog stand in Colorado to living in an old van while finishing his master's in creative writing at Wayne State University. His passion for writing led him to a full-time reporting job in Louisiana where he wrote about everyday events and pressing issues. He got to know the people there; he loved them, and they loved him back. He ended up winning first place in the Louisiana Press Association's Best News Story category for an in-depth story on the families of murder victims still looking for closure after all these years.

His journey then took him to Thailand and eventually a reporting job in Myanmar where he became the managing editor of Frontier Myanmar, a magazine written in both English and Burmese. His parents recently wrote to me, “We knew there were dangers to being a journalist in a country that has struggled for decades with the concept of democracy. But he understood the importance of informing the Myanmar people, and how valuable that information was to them.”

Then came the military coup in February. Since then, hundreds of pro-democracy protestors have been killed and thousands arrested including journalists reporting on events leading up to Danny's detainment last week. I recently joined with our bipartisan Oakland County delegation led by my counterpart in the House, Representative Regina Weiss, to send a letter to the U.S. State Department urging their support and intervention.

Journalism is not a crime. Our freedom of the press ensures the security of journalists here at home but it should also compel us to extol those virtues around the globe. As a nation that is deeply committed to protecting the freedoms, safety, and human rights of its citizens, U.S. officials should be making every effort to ensure that Danny is returned home safely, immediately, and unconditionally. His parents said, “Yes, he’s a journalist. And we love that he has become a fine one at that. But at the end of the day, he’s also the kid we raised, the funny, kind, caring kid, who grew into a fine man. He continues to expand our minds and the way we perceive the world. He has made our lives and many others far richer. We can’t wait to hug him.”

Today I have a Senate resolution on my desk to urge the Biden administration and the U.S. State Department to act with the utmost urgency to secure Danny Fenster’s release. We need to bring Danny home, and I urge your co-sponsorship of this resolution.

### Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 27:

**House Bill Nos. 4256 4293 4294 4516 4517 4740 4741 4742 4743 4744 4745 4746**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 27, for her approval the following bill:

**Enrolled Senate Bill No. 49 at 12:57 p.m.**

The Secretary announced that the following bills were printed and filed on Thursday, May 27, and are available on the Michigan Legislature website:

**Senate Bill Nos. 487 488 489 490 491 492 493 494 495 496**

**House Bill Nos. 4930 4931 4932 4933 4934 4935 4936 4937 4938 4939 4940 4941 4942  
4943 4944**

The Secretary announced that the following bills were printed and filed on Tuesday, June 1, and are available on the Michigan Legislature website:

**House Bill Nos. 4945 4946 4947 4948 4949 4950 4951 4952 4953 4954 4955 4956 4957  
4958**

### Committee Reports

The Committee on Health Policy and Human Services reported

**Senate Bill No. 416, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16186 (MCL 333.16186), as amended by 2020 PA 329.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Curtis S. VanderWall  
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

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

The Committee on Health Policy and Human Services reported

**Senate Bill No. 450, 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.

With the recommendation that the bill pass.

Curtis S. VanderWall  
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis and Wojno  
Nays: Senator Brinks  
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, May 27, 2021, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

The Committee on Transportation and Infrastructure reported

**Senate Bill No. 429, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9115 (MCL 324.9115), as amended by 2017 PA 40, and by adding part 639.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

Tom Barrett  
Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, Victory, Outman, Lauwers, Bullock and Hollier  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

**Senate Bill No. 430, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13f (MCL 777.13f), as added by 2002 PA 30.

With the recommendation that the bill pass.

Tom Barrett  
Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, Victory, Outman, Lauwers, Bullock and Hollier  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

**Senate Bill No. 431, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

With the recommendation that the bill pass.

Tom Barrett  
Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, Victory, Outman, Lauwers, Bullock and Hollier  
Nays: None  
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, June 2, 2021, at 8:30 a.m., Room 1100, Binsfeld Office Building  
Present: Senators Barrett (C), LaSata, McBroom, Victory, Outman, Lauwers, Geiss, Bullock and Hollier

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, May 27, 2021, at 9:05 a.m., Room 403, 4th Floor, Capitol Building

Present: Senators Victory (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

**Scheduled Meetings**

**Economic and Small Business Development** – Thursday, June 3, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

**Health Policy and Human Services** – Thursday, June 3, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

**Judiciary and Public Safety** – Thursday, June 3, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 1:21 p.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Thursday, June 3, 2021, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate