

No. 88  
STATE OF MICHIGAN  
**Journal of the Senate**  
101st Legislature  
**REGULAR SESSION OF 2021**

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Senate Chamber, Lansing, Tuesday, November 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—excused  
Shirkey—present  
Stamas—present  
Theis—present  
VanderWall—present  
Victory—present  
Wojno—present  
Zorn—present

Senator Rick Outman of the 33rd District offered the following invocation:

Dear heavenly Father, allow us to come humbly before You and ask for Your forgiveness. It seems like far too often these days, we're quick to judge others and not only to judge, but to denigrate them. It's easy to get consumed by politics and get caught up on an "us-versus-them" scenario, but Your Word reminds us that the real battle isn't "against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this age, against spiritual hosts of wickedness in the heavenly places."

You also exhort us to make "supplications, prayers, intercessions, and giving of thanks be made for all men, for kings and all who are in authority." You tell us to "love [our] enemies, bless those who curse [us], do good to those who hate [us], and pray for those who spitefully use [us] and persecute [us]." It's obvious from these verses that this is not a mere suggestion, but a commandment. Convict us Father, the next time we take what seems like the easier path of criticizing those in authority or those who slander us and instead lead us to do something that may feel like it goes against our grain, to pray for them.

I ask all this in the name of Your Son Jesus. Amen.

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

### **Motions and Communications**

Senator Lauwers moved that Senator Shirkey be temporarily excused from today's session.  
The motion prevailed.

Senator Lauwers moved that Senator Schmidt be 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.

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

October 27, 2021

Enclosed is a copy of the following report:

- Performance audit report on Selected Activities Within the Bureau of Construction Codes, Department of Licensing and Regulatory Affairs (641-0240-20).

October 28, 2021

Enclosed is a copy of the following report:

- Performance audit report on the COVID-19 Expenditures, State of Michigan (000-2000-20E).

October 29, 2021

Enclosed is a copy of the following report:

- Report from our report on internal control over financial reporting of the Michigan State Employees' Retirement System Schedule of Employer Allocations and Schedules of Pension and Other Postemployment Benefit Amounts by Employer for the fiscal year ended September 30, 2020 (071-0165-21).

Sincerely,  
Doug Ringler  
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communication was received:  
County of Muskegon

November 1, 2021

Attached please find the Muskegon County Resolution supporting Little River Band of Ottawa Indians Casino in Muskegon County which was passed by our Board of Commissioners on Tuesday, October 26, 2021.

Regards,  
Linda Sue Schutter  
Administrative Secretary  
County Clerk's Office

The communication was referred to the Secretary for record.

The following communication was received:  
Office of Senator Erika Geiss

November 2, 2021

Please add my name to the co-sponsor list for Senate Bill 706. Thank you.

Sincerely,  
State Senator Erika Geiss  
Sixth Senate District

The communication was referred to the Secretary for record.

### **Recess**

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

11:29 a.m.

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

During the recess, Senators Geiss, Shirkey and Ananich entered the Senate Chamber.

### **Messages from the Governor**

The following message from the Governor was received and read:

ELECTIONS: PROVISIONAL BALLOT PROCESS; REQUIRE PROVIDING  
IDENTIFICATION TO OBTAIN ABSENT VOTER BALLOT, PROHIBIT SENDING OF  
UNSOLICITED ABSENT VOTER BALLOT APPLICATIONS TO ELECTORS,  
AND REQUIRE ELECTIONS TO BE FUNDED WITH PUBLIC MONEY

ELECTIONS: NOTICE TO VOTER WHO VOTES PROVISIONAL BALLOT  
CONCERNING BURDEN OF PROOF TO VERIFY IDENTITY TO HAVE  
PROVISIONAL BALLOT TABULATED AND ABILITY TO OBTAIN OFFICIAL  
STATE PERSONAL IDENTIFICATION CARD WITHOUT FEE; REQUIRE

October 29, 2021

Today I am returning two election-related bills to you without approval.

Every citizen of Michigan has the constitutionally guaranteed right to vote and deserves to exercise that right in safe and secure elections.

Enrolled Senate Bills 303 and 304 together would eliminate the option for Michigan voters to submit an affidavit, signed under penalty of perjury, attesting to their identity and eligibility when attempting to vote without a photo ID. To be clear, there is no evidence that use of affidavit ballots is related to voter fraud. In fact, the Michigan Senate Oversight Committee recently concluded that the 2020 election produced no significant evidence of fraud. Yet this voting restriction would disenfranchise the more than 18,000 voters who relied on the affidavit ballot in recent elections.

These bills would disproportionately harm communities of color. After the 2016 election, a random sample of affidavit ballots revealed that about 0.5% of voters lacked access to ID on election day, yet nearly all of those affidavit ballot voters actually possessed state-issued identification. Non-white voters were about five times more likely to lack access to ID on election day than white voters. Voting restrictions that produce such a racially disparate impact must never become law in this state.

Nevertheless, I would be proud to sign common sense election reforms that would strengthen our democracy, including bills:

- improving military families access to the ballot by allowing active-duty Michiganders and spouses serving overseas to vote electronically,
- removing barriers to voting absentee by establishing a permanent absent voter list, and,
- expediting election returns by allowing sufficient time for preprocessing of absentee ballots.

As the late John Lewis said: “Freedom is not a state; it is an act. Freedom is the continuous action we all must take, and each generation must do its part to create an even more fair, more just society.”

Sincerely,  
Gretchen Whitmer  
Governor

These bills were returned from the Governor on October 29, 2021, at 12:08 p.m.

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Senator Lauwers moved that further consideration of the bills be postponed for today.  
The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

Senator Lauwers moved that the Senate proceed to consideration of the following bill:  
**Senate Bill No. 220**  
The motion prevailed.

**Senate Bill No. 220, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 802 (MCL 257.802), as amended by 2019 PA 88.  
(This bill was returned from the House on Wednesday, October 20 with an amendment, immediate effect and full title, and was laid over under the rules. See Senate Journal No. 83, p. 1755.)  
The question being on concurring in the amendment made to the bill by the House,  
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 417**

**Yeas—34**

Ananich	Geiss	McBroom	Santana
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
Daley	MacDonald		

**Nays—0**

**Excused—1**

Schmidt

**Not Voting—1**

Alexander

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.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**House Bill No. 4117, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 226 (MCL 257.226), as amended by 2020 PA 304.

(This bill was returned from the House on Wednesday, October 20 with a House substitute (H-2) to the Senate substitute (S-3) and title amendment, and was laid over under the rules. See Senate Journal No. 83, p. 1755.)

The question being on concurring in the House substitute made to the Senate substitute,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 418		Yeas—35	
Alexander	Daley	MacDonald	Santana
Ananich	Geiss	McBroom	Shirkey
Barrett	Hertel	McCann	Stamas
Bayer	Hollier	McMorrow	Theis
Bizon	Horn	Moss	VanderWall
Brinks	Irwin	Nesbitt	Victory
Bullock	Johnson	Outman	Wojno
Bumstead	LaSata	Polehanki	Zorn
Chang	Lauwers	Runestad	

Nays—0

Excused—1

Schmidt

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 4599, entitled**

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending sections 8, 19, and 20 (MCL 431.308, 431.319, and 431.320), as amended by 2019 PA 153.

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 Committee on Local Government be discharged from further consideration of the following bill:

**House Bill No. 4281, entitled**

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts,” by amending section 10 (MCL 41.810), as amended by 2020 PA 64.

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

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

**House Bill No. 4281**

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

By unanimous consent the Senate returned to the order of

**Messages from the Governor**

The following messages from the Governor were received and read:

October 29, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 183 of 1964, MCL 830.412:

**State Building Authority Board of Trustees**

Mr. Todd A. Begerowski of 35525 Wilson Street, New Baltimore, Michigan 48047, county of Macomb, succeeding Peter F. Schwartz whose term has expired, appointed for a term commencing October 29, 2021 and expiring August 21, 2025.

Mr. Price F. Dobernick of 3201 S. Lowell Road, St. Johns, Michigan 48879, county of Clinton, succeeding Patrick Devlin whose term has expired, appointed for a term commencing October 29, 2021 and expiring August 21, 2025.

October 29, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 230 of 1972, MCL 125.1503a:

**State Construction Code Commission**

Mr. Todd J. Drouillard of 6578 Torybrooke Circle, West Bloomfield, Michigan 48323, county of Oakland, succeeding Jonathon Jackson who has resigned, appointed to represent the field of architecture, for term commencing October 29, 2021 and expiring January 31, 2023.

October 29, 2021

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17221:

**Michigan Board of Nursing**

Dr. Grace A. Jacek, DNP of 2604 Burns Street, Dearborn, Michigan 48124, county of Wayne, succeeding Nanette Watson who has resigned, appointed to represent nurse practitioners, for a term commencing October 29, 2021 and expiring June 30, 2025.

Dr. Larissa Miller, Ph.D. of 1926 Mendota Drive, East Lansing, Michigan 48823, county of Ingham, succeeding Lori Poloni-Long who has resigned, appointed to represent registered professional nurses with a baccalaureate degree who are engaged in nursing practice or nursing administration, for a term commencing October 29, 2021 and expiring June 30, 2024.

Respectfully,  
Gretchen Whitmer  
Governor

The appointments were referred to the Committee on Advice and Consent.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

**House Bill No. 4766, entitled**

A bill to allow local governments and certain authorities to withhold payment under certain conditions to contractors on an asbestos abatement project; to provide for mandatory contract conditions on certain asbestos abatement projects; to provide for certain disclosures; and to prescribe the powers and duties of certain local officials.

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. 4767, entitled**

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

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. 4768, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5519b.

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. 4769, 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 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. 4770, 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 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. 5026, entitled**

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending sections 102, 205, 303, 304, 305, 307, 308, 309, 310, 312, 320, 401a, 401c, 403, 408, 413, 713, and 717 (MCL 484.1102, 484.1205, 484.1303, 484.1304, 484.1305, 484.1307, 484.1308, 484.1309, 484.1310, 484.1312, 484.1320, 484.1401a, 484.1401c, 484.1403, 484.1408, 484.1413, 484.1713, and 484.1717), sections 102, 312, 401a, 401c, and 403 as amended by 2018 PA 51, sections 205, 303, 307, 308, and 320 as amended by 2007 PA 164, section 408 as amended by 2019 PA 76, section 413 as amended by 2019 PA 30, section 713 as added by 1999 PA 79, and section 717 as amended by 2012 PA 260, and by adding section 401f; and to repeal acts and parts of acts.

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 Energy and Technology.

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 Barrett 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 bills:

**House Bill No. 4711, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2020 PA 121.

**Senate Bill No. 624, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 2003 PA 200.

**House Bill No. 4694, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9520, 9521, and 9525 (MCL 440.9520, 440.9521, and 440.9525), section 9520 as amended by 2008 PA 383, section 9521 as amended by 2012 PA 88, and section 9525 as amended by 2016 PA 229.

**Senate Bill No. 698, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 14a (MCL 211.14a), as added by 2020 PA 352.

**Senate Bill No. 397, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending the title and sections 3, 11, 23, 32, and 41 (MCL 432.3, 432.11, 432.23, 432.32, and 432.41), the title and section 11 as amended by 2012 PA 293, section 3 as amended by 1996 PA 167, section 23 as amended by 2008 PA 142, section 32 as amended by 2014 PA 388, and section 41 as amended by 2009 PA 25, and by adding a heading for article 1, and by adding section 2 and article 2.

**Senate Bill No. 398, entitled**

A bill to amend 1996 IL 1, entitled "Michigan Gaming Control and Revenue Act," by amending sections 9b and 12 (MCL 432.209b and 432.212), as amended by 2019 PA 158.

**Senate Bill No. 399, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14d (MCL 777.14d), as amended by 2020 PA 14.

**House Bill No. 4281, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 10 (MCL 41.810), as amended by 2020 PA 64.

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. 447, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3471.

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.

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

**House Bill No. 4171, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 405 (MCL 418.405), as amended by 2014 PA 515.

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.

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

**House Bill No. 4172, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 405 (MCL 418.405), as amended by 2014 PA 515.

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. 396, entitled**

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending sections 2, 12, 14, 17, 19, 20, 20a, and 22 (MCL 431.302, 431.312, 431.314, 431.317, 431.319, 431.320, 431.320a, and 431.322), sections 2, 12, and 14 as amended by 2016 PA 271 and sections 17, 19, 20, and 22 as amended and section 20a as added by 2019 PA 153; and to repeal acts and parts of acts.

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.

### **Recess**

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

The motion prevailed, the time being 11:56 a.m.

12:09 p.m.

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

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. 396**

**Senate Bill No. 397**

**Senate Bill No. 398**  
**Senate Bill No. 399**

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:

- House Bill No. 4501**
- House Bill No. 4778**
- Senate Bill No. 463**
- Senate Bill No. 396**
- Senate Bill No. 397**
- Senate Bill No. 398**
- Senate Bill No. 399**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4501, entitled**

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 38.

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. 419**

**Yeas—19**

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

**Nays—16**

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

**Excused—1**

Schmidt

**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 not 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 prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Lauwers’ statement is as follows:

Mr. President, I rise in support of House Bill No. 4501. Over the past year and a half, Michigan has lost thousands of small businesses and thousands of jobs along with them. Family-owned businesses that survived world wars, the Depression, and countless other challenges struggled to survive the effects of the pandemic and our Governor’s shutdown orders. As these small businesses were facing the unprecedented challenge, Governor Whitmer’s administration levied hundreds of thousands of dollars in fines for violations of her orders—hundreds of orders that changed by the day. Surely the Governor and her team knew that the businesses, local governments, and other entities were doing all they could in trying to find the resources and the time and did not have the resources and time to appeal these fines. They were struggling just to keep the doors open and their employees on the payroll. The last thing they could afford was a legal battle with an opponent with unlimited resources like the state of Michigan.

And yet, we found out just this week—in fact, we found out in my district—that at least one recipient of a fine did fight back. And when this local government challenged their penalty and deposed staff from the Governor’s agency, what did they find? That the e-mails associated with the case had been deleted and the notes and records had been burned. Burned. Was the MIOSHA shredder on the fritz or something? What else would we find out about this operation to punish small businesses and local governments while they were hanging by a thread if more of them had the resources to fight these fines?

Mr. President, it is ridiculous that this bill even is necessary. The Governor should have dropped every fine levied by her agencies during the pandemic and she should have done so months ago. But she hasn’t, so I grudgingly ask for your support of House Bill No. 4501 to forgive these penalties against Michiganders who were doing everything they could, I believe, to survive during a crisis.

The following bill was read a third time:

**House Bill No. 4778, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 270.

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. 420**

**Yeas—35**

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

**Nays—0**

Excused—1

Schmidt

Not Voting—0

In The Chair: President

Senator Lauwers moved that the bill be given immediate effect.

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

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

“An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 463, entitled**

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

The 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. 421**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Schmidt

**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. 396, entitled**

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending sections 2, 8, 9, 10, 12, 14, 17, 19, 20, 20a, and 22 (MCL 431.302, 431.308, 431.309, 431.310, 431.312, 431.314, 431.317, 431.319, 431.320, 431.320a, and 431.322), sections 2, 10, 12, and 14 as amended by 2016 PA 271 and sections 8, 9, 17, 19, 20, and 22 as amended and section 20a as added by 2019 PA 153, and by adding sections 15a and 16a; and to repeal acts and parts of acts.

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. 422****Yeas—27**

Ananich	Hertel	McBroom	Stamas
Barrett	Horn	McMorrow	Theis
Bayer	Irwin	Moss	VanderWall
Brinks	Johnson	Nesbitt	Victory
Bumstead	LaSata	Polehanki	Wojno
Daley	Lauwers	Runestad	Zorn
Geiss	MacDonald	Shirkey	

**Nays—8**

Alexander	Bullock	Hollier	Outman
Bizon	Chang	McCann	Santana

**Excused—1**

Schmidt

**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. 397, entitled**

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending the title and sections 3, 11, 23, 32, and 41 (MCL 432.3, 432.11, 432.23, 432.32, and 432.41), the title and section 11 as amended by 2012 PA 293, section 3 as amended by 1996 PA 167, section 23 as amended by 2008 PA 142, section 32 as amended by 2014 PA 388, and section 41 as amended by 2009 PA 25, and by adding a heading for article 1, and by adding section 2 and article 2.

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. 423**

**Yeas—25**

Ananich	Horn	McMorrow	Stamas
Bayer	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bumstead	LaSata	Polehanki	Victory
Daley	Lauwers	Runestad	Wojno
Geiss	MacDonald	Shirkey	Zorn
Hertel			

**Nays—10**

Alexander	Bullock	McBroom	Outman
Barrett	Chang	McCann	Santana
Bizon	Hollier		

**Excused—1**

Schmidt

**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. 398, entitled**

A bill to amend 1996 IL 1, entitled “Michigan Gaming Control and Revenue Act,” by amending sections 9b and 12 (MCL 432.209b and 432.212), as amended by 2019 PA 158.

The question being on the passage of the bill,  
The bill was passed, 3/4 of the members serving voting therefor, as follows:

**Roll Call No. 424**

**Yeas—27**

Ananich	Geiss	MacDonald	Stamas
Barrett	Hertel	McMorrow	Theis
Bayer	Horn	Moss	VanderWall
Bizon	Irwin	Nesbitt	Victory
Brinks	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Zorn
Daley	Lauwers	Shirkey	

**Nays—8**

Alexander	Chang	McBroom	Outman
Bullock	Hollier	McCann	Santana

**Excused—1**

Schmidt

**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. 399, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14d (MCL 777.14d), as amended by 2020 PA 14.

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. 425****Yeas—28**

Ananich	Hertel	McBroom	Shirkey
Bayer	Horn	McMorrow	Stamas
Bizon	Irwin	Moss	Theis
Brinks	Johnson	Nesbitt	VanderWall
Bumstead	LaSata	Outman	Victory
Daley	Lauwers	Polehanki	Wojno
Geiss	MacDonald	Runestad	Zorn

**Nays—7**

Alexander	Bullock	Hollier	Santana
Barrett	Chang	McCann	

**Excused—1**

Schmidt

**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

**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. 4281**

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

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Lauwers moved that the Senate proceed to consideration of the following bill:  
**House Bill No. 4281**  
The motion prevailed.

The following bill was read a third time:  
**House Bill No. 4281, entitled**

A bill to amend 1951 PA 33, entitled “An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts,” by amending section 10 (MCL 41.810), as amended by 2020 PA 64.

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. 426**

**Yeas—35**

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

**Nays—0**

**Excused—1**

Schmidt

**Not Voting—0**

In The Chair: President

Senator Lauwers moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.



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

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

**House Bill No. 4600, entitled**

A bill to amend 1951 PA 90, entitled “An act to regulate the conducting of racing meets in the state of Michigan; to provide for the possession, control and disposition of funds held by licensees for the payment of outstanding winning tickets not claimed or demanded by the lawful owners of such funds; and to prescribe penalties for violations of the provisions of this act,” by amending section 2 (MCL 431.252), as amended by 1998 PA 505.

**House Bill No. 4823, entitled**

A bill to amend 2019 PA 152, entitled “Lawful internet gaming act,” by amending section 15 (MCL 432.315).

**House Bill No. 4824, entitled**

A bill to amend 2019 PA 149, entitled “Lawful sports betting act,” by amending section 15 (MCL 432.415).

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

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 86**

The motion prevailed.

**Senate Resolution No. 86.**

A resolution to condemn the U.S. Department of Justice memorandum on intimidation and harassment against school board members for inhibiting parents’ constitutional right to free speech.

(This resolution was reported by the Committee on Education and Career Readiness on Tuesday, October 26 with a substitute (S-1). See Senate Journal No. 86, p. 1812.)

The question being on the adoption of the committee substitute,

The substitute was not adopted.

Senator Lauwers requested the yeas and nays.

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

The substitute was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 427**

**Yeas—19**

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

**Nays—16**

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

**Excused—1**

Schmidt

**Not Voting—0**

In The Chair: President

The question being on the adoption of the resolution as substituted,  
Senator Lauwers requested the yeas and nays.  
The yeas and nays were ordered, 1/5 of the members present voting therefor.  
The resolution as substituted was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 428**

**Yeas—19**

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

**Nays—16**

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

**Excused—1**

Schmidt

**Not Voting—0**

In The Chair: President

Senator Theis asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.  
The motion prevailed.  
Senator Theis’ statement is as follows:  
Today’s act in the theater of the absurd is not being played out on stage but sadly in communities throughout our country. The Biden administration’s Department of Justice recently encouraged federal authorities to investigate parents for expressing their opinions at school board meetings. It is unconscionable that the sitting U.S. Attorney General would seek to weaponize the FBI without clear legal reasoning to go after parents who are simply worried about their children’s education. This shameful act was made worse by the recent revelation that the Department of Justice based its memo—at least in part—on unverified and

misleading information sent in a letter from the National School Board Association which characterized parents as domestic terrorists. The group has since retracted the letter and apologized for sending it, yet the DOJ maintains their position. People making actual threats have always been subject to the legal system and local agency, but these parents have inexcusably been mischaracterized even within our state. They aren't terrorists, they're disenfranchised citizens worried about their children's future and that of this country. Prejudicially calling them threats to society will have a chilling effect not only on school board participation but it actually undermines our republic itself because free speech is absolutely fundamental. It's no wonder families throughout our state and nation are frustrated, angry, and eager to speak out. Instead of going after marginalized parents for exercising their First Amendment rights to express themselves and petition their government, we should be listening to them and rooting out divisive critical race theory and forced mandates that threaten our students' education. Increased parental involvement in children's lives and education should be encouraged, not punished, and Senate Resolution No. 86 condemns the DOJ for its ridiculous scare tactics and attempts to inhibit parents' constitutional rights to free speech. Furthermore, Michigan statute—MCL 380.10—reads, "It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment."

I welcome your support and ask that my statement be included in today's Journal. Thank you, and God bless our parents.

Senator Runestad offered the following resolution:

**Senate Resolution No. 91.**

A resolution to recognize the historic, cultural, and religious significance of the festival of Diwali.

Whereas, Diwali is celebrated annually every autumn by Hindus, Sikhs, and Jains in Michigan, the United States, and throughout the world, with over one billion celebrants marking the holiday; and

Whereas, Diwali is a holy day, during which celebrants light small oil lamps and place them around the home. The lighting of the lamps is followed by prayers for attainment of health, wealth, knowledge, peace, and valor, and is recognized as the beginning of a new year for some Hindus; and

Whereas, "Diwali" is a shortened version of the Sanskrit word "Deepavali", which means a row of lamps, and in English is referred to as the "festival of lights;" and

Whereas, Celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance; and

Whereas, For Hindus, Diwali is a celebration of the belief that light triumphs over darkness and good triumphs over evil; and

Whereas, For Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

Whereas, For Jains, Diwali marks the anniversary of the attainment of moksha or liberation by Lord Mahavira, the last of the Tirthankaras, who were the great teachers of Jain Dharma at the end of his life in 527 B.C.; and

Whereas, Michigan remains resolute in its commitment to continue fostering diversity of experience and religious acceptance; and

Whereas, Diwali is a time marked by qualities of togetherness, family, and community; now, therefore, be it Resolved by the Senate, That the members of this legislative body recognize the historic, cultural, and religious significance of the festival of Diwali. We recognize the Diwali message of tolerance, compassion, and acceptance of others which resonates with the ideals of the American spirit; and be it further

Resolved, That we express respect and admiration to all those who celebrate Diwali throughout the world and in our own communities.

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.

Senator Polehanki, Chang, McMorro and Moss were named co-sponsors of the resolution.

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

The motion prevailed.

Senator Runestad's statement is as follows:

I rise today to encourage support for Senate Resolution No. 91. Senate Resolution No. 91 recognizes the historic, cultural, and religious significance of the festival of Diwali. Diwali is a prestigious festival celebrated annually by over 1 billion people worldwide. Diwali is a big celebration in my district by members of the Indian community, many of whom are here today represented to us up in the Gallery.

Diwali is a holy day during which celebrants light small oil lamps and place them around the home. The lighting of the lamp is followed by prayers for attainment of health, wealth, knowledge, peace, and valor. The word Diwali means row of lamps, which symbolize the light within the individual that rids the soul of the darkness of ignorance and the triumph of light over darkness, good over evil.

With this resolution we are calling upon the citizens of Michigan to acknowledge and appreciate those who celebrate Diwali and the peace and prosperity that this holiday signifies. I ask that we honor all those who celebrate Diwali this year in our state and express our deepest respect and admiration for all the celebrants, recognizing their contribution as citizens in our great state. I encourage the full support of the Michigan Senate for this resolution.

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator McCann's statement is as follows:

I rise today to acknowledge one of my personal favorite days on our calendar, Election Day. Thousands of citizens in my district have already cast their absentee ballots for their preferred municipal candidates and local millages; thousands more will head to the polls today. These are not high-profile elections. These folks are voting because they want to participate in crafting their local communities, to support their friend or neighbor who is running for city commission, or because they feel it is their duty as a patriot and a Michigan citizen to participate in our representative democracy and vote.

But I have a big question, Do we trust them? Do we trust our fellow citizens? I went to my polling place this morning before driving in for session. I didn't have my ID with me when I presented to vote so instead I then signed an affidavit affirming my identity as Sean A. McCann. The nice poll workers at Southern Heights Church on Hillandale, two blocks from my home, accepted this affidavit and I was able to cast my vote and know it will count and not have to do anything further—the only Sean McCann to cast a ballot in Kalamazoo city, precinct 25, I'm sure.

There are elections taking place in our state today that will determine who will serve alongside us as new colleagues for the remainder of this current term. People who will become Senators with whom we will debate policy, break bread, and spend many hours together in this room. When they declare victory in their respective elections, once all the votes are counted, will we believe them? Our local clerks and poll workers have worked around the clock for weeks to ensure a smooth, secure, and accurate election. These fine individuals are the backbone of our democracy. I have been appalled at the accusations and threats hurled their way by conspiracy theorists over the past year. Accusations and threats originating even from someone who once held the highest office in the land. I am here to say to our clerks, our poll workers, and everyone who took the time to fill out a ballot in their local elections today, I appreciate you and I trust you.

My friend, the former Kalamazoo mayor Bobby Hopewell likes to call the city a masterpiece in progress, and I sincerely hope that today's municipal election outcomes will further that progress. Our nation is also a masterpiece in progress—never perfect, but we should always strive to be better. What we need at this point in our history in order to be better is to restore civility in our discourse, pride in our democratic system of government, and trust in our institutions and in each other. I intend to respect and celebrate the accurate and fair results of today's elections. I invite all patriotic citizens to join me in doing so as well.

Senator Shirkey's statement is as follows:

I want to draw your attention to an important investment we are about to make in the mental healthcare system in Michigan. Senate Bill No. 714, as introduced, lays the framework to make a significant investment in improving the quality and capacity of our state's mental health services. The crisis in our state's mental health system often persists silently, it has all only rarely made headlines and it did for one mid-Michigan father this past winter, but the tragic reality here is in front of us and usually does the most harm to those the most vulnerable amongst us. We've been working diligently to end this silent crisis, today's supplemental proposal will not only augment and enhance efforts to integrate our state's mental and physical health systems but also provide substantial investment in the workforce and the infrastructure we need to provide quality and accessible care.

With the funds in this introductory bill, we will focus on four categories of behavioral health improvements: clinical integration, infrastructure investment, workforce development, and community sources development. I want to emphasize that while this is in some ways a companion bill to the mental health integration package we have taken on, it is also an introductory bill. I welcome and expect this proposal to evolve from this introduced version and be enhanced by my colleagues and stakeholders input. We have a once-in-a-generation bipartisan opportunity to make transformational investments in our mental health system and the care Michiganders receive.

It would be a shame to let this opportunity pass. I look forward to your best input.

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

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 28:

**House Bill Nos. 4766 4767 4768 4769 4770 5026**

The Secretary announced that the following bills were printed and filed on Thursday, October 28 and are available on the Michigan Legislature website:

**Senate Bill Nos. 707 708 709 710 711 712 713 714**

**House Bill Nos. 5488 5489 5490 5491 5492 5493 5494 5495 5496 5497 5498 5499 5500**

### **Scheduled Meetings**

**Appropriations** - Wednesday, November 3, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 12:46 p.m.

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

MARGARET O'BRIEN  
Secretary of the Senate

