

No. 2
STATE OF MICHIGAN
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REGULAR SESSION OF 2022

Senate Chamber, Lansing, Tuesday, January 18, 2022.

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
Huizenga—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
Wozniak—present
Zorn—present

Senator Dale W. Zorn of the 17th District offered the following invocation:

Lord, we come to You this morning asking for Your help in the work that we do here in this building—that we may be able to provide those who are in need the help that they so much come to us for. I ask that You stay with our first responders, our military, and those families in this state who are trying to succeed. I pray that You will help this chamber work together and to provide the services that are desperately needed. Stay with us today, as always. Amen.

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

Motions and Communications

Senator Chang moved that Senators Santana, Geiss, Hertel and Ananich be temporarily excused from today’s session.

The motion prevailed.

Senator Lauwers moved that Senator McBroom be temporarily excused from today’s session.

The motion prevailed.

The following communication was received and read:

Office of the Auditor General

January 12, 2022

Enclosed is a copy of the following report:

- Performance audit report on the Administration of Act 51-Related Funds, Michigan Department of Transportation (591-0410-21).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Oversight.

The following communication was received:

Office of Senator Sean McCann

January 12, 2022

I respectfully request that my name be added as a co-sponsor to the following:

- Senate Bill 797, introduced by Senator Chang
- Senate Bill 798, introduced by Senator Geiss
- Senate Bill 799, introduced by Senator Hollier
- Senate Bill 800, introduced by Senator Wojno

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 communication was received:

Department of Natural Resources

January 13, 2022

In accordance with Section 1906(2) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, attached is the Michigan Natural Resources Trust Fund (MNRTF) 2021 Annual Report on the operations of the Board.

If you need further information, please contact Mr. Erik Eklund, Chief, Finance and Operations Division, at 517-284-5958, or you may contact me.

Sincerely,
Daniel Eichinger
Director

The communication was referred to the Secretary for record.

The following communication was received:
State Court Administrative Office

January 14, 2022

Pursuant to the annual reporting requirement contained in Executive Order 2021-5, please find the attached year-end report from the Jail Reform Advisory Council on the implementation of jail reform legislation and measurable outcomes.

Thank you,
Ryan P. Gamby
Field Services Director

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 10:05 a.m.

10:40 a.m.

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

During the recess, Senators McBroom, Ananich, Hertel, Geiss and Santana entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Wozniak introduced

Senate Bill No. 815, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 2014 PA 265 and section 601 as amended by 2016 PA 412, and by adding article 14.

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

Senator Wozniak introduced

Senate Bill No. 816, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3151 and 3153 (MCL 500.3151 and 500.3153), section 3151 as amended by 2019 PA 22, and by adding section 3151a.

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

Senator Wozniak introduced

Senate Bill No. 817, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3151 (MCL 500.3151), as amended by 2019 PA 22.

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

Senators Runestad, Johnson, Wozniak, Theis, Daley, Barrett, Victory, Bumstead, Zorn, Huizenga and VanderWall introduced

Senate Bill No. 818, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 2 (MCL 15.262), as amended by 2001 PA 38.

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

Senators Johnson, Runestad, Wozniak, Theis, Daley, Barrett, Victory, Bumstead, Zorn, Huizenga and VanderWall introduced

Senate Bill No. 819, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 2 (MCL 15.232), as amended by 2018 PA 68.

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

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 Horn 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:

House Bill No. 5322, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 12 and 18 (MCL 205.62 and 205.68), section 12 as amended by 2018 PA 167 and section 18 as amended by 2014 PA 108.

House Bill No. 5323, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 14a and 14b (MCL 205.104a and 205.104b), section 14a as amended by 2014 PA 109 and section 14b as amended by 2018 PA 168.

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

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. 4363

The motion prevailed.

The following bill was read a third time:

House Bill No. 4363, entitled

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

The 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. 2

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Nesbitt

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4035, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2150 (MCL 324.2150), as amended by 2012 PA 603.

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. 3

Yeas—38

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4031, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending section 35 (MCL 408.1035), as amended by 1991 PA 105.

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. 4

Yeas—29

Alexander	Johnson	Moss	Stamas
Barrett	LaSata	Nesbitt	Theis
Bayer	Lauwers	Outman	VanderWall
Bizon	MacDonald	Polehanki	Victory
Bumstead	McBroom	Runestad	Wojno
Daley	McCann	Schmidt	Wozniak
Horn	McMorrow	Shirkey	Zorn
Huizenga			

Nays—9

Ananich	Chang	Hertel	Irwin
Brinks	Geiss	Hollier	Santana
Bullock			

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 not concurred in, 2/3 of the members serving not 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.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Moss, Irwin and Ananich asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Moss' statement is as follows:

This may have been a blip on your weekend radar but it is a seismic activity in our Jewish community. Yet again, an attack on an American synagogue. Yet again, another trauma suffered by American Jews. Most immediately, the trauma in the Jewish community of Colleyville, but which also ripples throughout the Jewish community in the rest of the country.

A synagogue sanctuary should be just that—a sanctuary from fear and terror where Jews can worship freely—but that's not always the reality. I was on the board of my synagogue in Oakland County. During our most attended religious services throughout the year, we have armed security present on campus—like many synagogues in our region and country—and the reason the Texas standoff ended was because Rabbi Charlie Cytron-Walker had active shooter training due to increased threats to synagogues in our country. This has become an unfortunate norm as Jewish people are increasingly vulnerable.

We “are just 2% of the U.S. population and 0.2% of the world's population,” journalist Yair Rosenberg puts it. “It actually takes a lot of effort to even find us. But every year in Western countries, including America, Jews are the #1 target of anti-religious hate crimes.” Indeed the most recent FBI data in 2020 show that we are the target of 58 percent of religiously motivated hate crimes in the country. 2 percent of the population; 58 percent of the attacks. This is a problem. This is a problem we cannot ignore. Antisemitism thrives when it's failed to be called antisemitism.

What can we do? In many regards the infrastructure to take on antisemitism is there but it's just ignored or dismissed or set aside. We have a hate crimes statute here in the state of Michigan but it lacks resources for enforcement, and we must fully fulfill budget requests from the Attorney General to support her office's hate crimes unit. It has been scrutinized, underfunded since she established it, and we must take this request and other security funding requests seriously.

On the federal level, we must call on the U.S. Senate to confirm President Biden's nominee of Dr. Deborah Lipstadt as the country's next Special Envoy to Monitor and Combat Antisemitism. She is truly the foremost expert in our community on this topic. The essential work of this post has existed for several administrations, but has been left dormant for these last crucial six months because of petty political games in Washington. Meanwhile, it's only Jews who suffer the consequences.

Ultimately, the most important thing you can do is to listen to Jews. Listen to Jews in distress. We live this. I'm part of the National Association of Jewish Legislators and last year we had a Zoom conference and virtual program on the state of antisemitism in this country. There are words and phrases and actions that polling data show that Jews perceive as antisemitic even when non-Jews might not. Listen to us; hear us.

I know that the center of the Jewish population is in and around my district and in the rest of metro Detroit, but many of you in the rest of the state have small and proud synagogues in your districts. Reach out to the rabbi. Visit with them. Connect them with the local chief of police or sheriff to find out what their needs are. Jews just want to be Jews. We want to be proud about who we are. We want to display how proud we are of our religious values. But all of these security and safety challenges prevent us from being the welcoming people we want to be. I ask you to please listen to us and be our allies in this struggle.

Senator Irwin's statement is as follows:

I rise again today to remind my colleagues that as we meet in the Senate today, our sibling body in the House of Representatives is not meeting. They're not meeting because of the high rate of transmission and, in fact, infection of members from COVID-19. I just want to point out to my colleagues again that as the House of Representatives is not meeting, our local governments are being required to meet and this body is failing to act on legislation that can provide our local bodies the opportunity to meet virtually for a little longer.

Our local bodies need the same flexibility that the State House of Representatives is currently exercising, and it's not just our elected city councils and our elected county commissions and township boards. It's also all sorts of volunteer boards. Right now in every one of our communities, we have local community action boards that are required to have consumers of mental health services and disabled members on those boards to provide guidance and counsel to the locals who are making decisions about the disbursement of those community action fund dollars. Why are we forcing these people into a dangerous situation to serve their community? Why are we telling people who want to just volunteer to participate in their local democracy that they have to do so in a room that might be filled with a dangerous respiratory virus? This is unnecessary. We could easily pass a temporary extension of the allowance for remote meetings and I think the fact that the House of Representatives is not even meeting—had to cancel their meeting—is just another demonstration of the necessity of this action.

Please, I implore my colleagues, to all reach out to your fellow members and say now is the time to extend the opportunity for virtual meetings again. We have a surge right now. We have a high level of transmission. Let's at least do this temporarily so that these volunteers and these local elected officials can have the same flexibility.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Joint meeting held on Thursday, January 13, 2022, at 10:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McBroom (C), Theis, Bizon, Wozniak, Irwin and Chang

Scheduled Meetings

Advice and Consent – Thursday, January 20, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-5314

Elections – Wednesday, January 19, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5323

Energy and Technology – Tuesdays, January 25, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building and February 1, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Finance – Wednesday, January 19, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Health Policy and Human Services – Thursday, January 20, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Local Government – Thursday, January 20, 1:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Senator LaSata moved that the Senate adjourn.

The motion prevailed, the time being 11:12 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, January 19, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

