

No. 22
STATE OF MICHIGAN
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REGULAR SESSION OF 2022

Senate Chamber, Lansing, Thursday, March 3, 2022.

10:00 a.m.

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

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

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present
Hollier—present

Horn—present
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—excused
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Wozniak—present
Zorn—present

Senator Sean McCann of the 20th District offered the following invocation:

May I, we, and our nation be at all times, both now and forever,
A protector of those without protection, a guide for those who have lost their way;
A ship for those with oceans to cross, a bridge for those with rivers to cross;
A sanctuary for those in danger, a lamp for those without light;
A place of refuge for those who lack shelter, and a servant to all in need.

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

Senators Nesbitt, Runestad and Johnson entered the Senate Chamber.

Motions and Communications

Senator LaSata moved that Senators Schmidt and Stamas be temporarily excused from today's session.
The motion prevailed.

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

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

Senators Geiss, Schmidt, Stamas and Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 251, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 47309, 47311, and 47315 (MCL 324.47309, 324.47311, and 324.47315), as added by 1995 PA 57.

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.

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.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator LaSata moved that the Senate proceed to consideration of the following bill:

House Bill No. 4562

The motion prevailed.

The following bill was read a third time:

House Bill No. 4562, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33e (MCL 791.233e), as amended by 2018 PA 339.

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. 51**Yeas—35**

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

Nays—2

Bayer	Irwin
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Excused—1

Santana

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4563, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 46 (MCL 791.246), as added by 1982 PA 314.

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. 52**Yeas—37**

Alexander	Geiss	MacDonald	Schmidt
Ananich	Hertel	McBroom	Shirkey

Barrett	Hollier	McCann	Stamas
Bayer	Horn	McMorrow	Theis
Bizon	Huizenga	Moss	VanderWall
Brinks	Irwin	Nesbitt	Victory
Bullock	Johnson	Outman	Wojno
Bumstead	LaSata	Polehanki	Wozniak
Chang	Lauwers	Runestad	Zorn
Daley			

Nays—0

Excused—1

Santana

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 195, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 691 (MCL 206.691), as amended by 2014 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. 53

Yeas—23

Barrett	Johnson	Outman	Theis
Bizon	LaSata	Polehanki	VanderWall
Bumstead	Lauwers	Runestad	Victory

Daley
Horn
Huizenga

MacDonald
McBroom
Nesbitt

Schmidt
Shirkey
Stamas

Wozniak
Zorn

Nays—14

Alexander
Ananich
Bayer
Brinks

Bullock
Chang
Geiss
Hertel

Hollier
Irwin
McCann

McMorrow
Moss
Wojno

Excused—1

Santana

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. 727, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2018 PA 309.

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. 54

Yeas—37

Alexander
Ananich
Barrett
Bayer
Bizon
Brinks
Bullock
Bumstead
Chang
Daley

Geiss
Hertel
Hollier
Horn
Huizenga
Irwin
Johnson
LaSata
Lauwers

MacDonald
McBroom
McCann
McMorrow
Moss
Nesbitt
Outman
Polehanki
Runestad

Schmidt
Shirkey
Stamas
Theis
VanderWall
Victory
Wojno
Wozniak
Zorn

Nays—0

Excused—1

Santana

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator LaSata 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 Bayer 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:

Senate Bill No. 626, entitled

A bill to amend 2004 PA 177, entitled “Michigan law enforcement officers memorial act,” by amending section 4 (MCL 28.784).

House Bill No. 4821, entitled

A bill to amend 2004 PA 177, entitled “Michigan law enforcement officers memorial act,” by amending section 5 (MCL 28.785), as amended by 2020 PA 215; and to repeal acts and parts of acts.

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Zorn offered the following resolution:

Senate Resolution No. 114.

A resolution to urge the adoption of policies that will lead to energy independence in the United States.

Whereas, The United States has been dependent on foreign sources of energy for decades. While the United States has enjoyed a higher degree of energy independence in the last decade due to an increase in domestic oil production, we still import tens of millions of barrels of crude oil from overseas each month; and

Whereas, The energy independence of the United States is critical to national security. Reliance on foreign oil has impacted the United States’ ability to intervene in conflicts around the world, including Russia’s invasion of Ukraine. Reliance on foreign sources of energy creates a potential risk that those sources could be jeopardized by United States’ actions abroad, which could limit our ability to project American values; and

Whereas, Energy independence is important for a thriving economy. Ensuring that the United States’ economy is able to support itself without relying on supply chains that span the globe and without risk of foreign political disruptions is critical to job growth and competition in the United States; and

Whereas, The United States must focus on policies that increase the production and use of our domestic energy resources, such as ensuring the continued safe operation of the Line 5 pipeline in Michigan, increasing domestic oil and gas drilling, increasing investments in renewable energy, and abandoning policies that limit domestic energy production and raise the capital costs associated with fossil fuel development; now, therefore, be it

Resolved by the Senate, That we urge the adoption of policies that will lead to energy independence in the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the commissioners of the Michigan Public Service Commission, the commissioners of the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the Secretary of the United States Department of the Interior, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the entire Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator LaSata moved that consideration of the resolution be postponed for today.

The motion prevailed.

Senator Theis was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

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

Senate Bill No. 948, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 15 and 62 (MCL 421.15 and 421.62), section 15 as amended by 2017 PA 229 and section 62 as amended by 2017 PA 231, and by adding section 62a.

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

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

Senate Bill No. 949, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 5755.

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

House Bill No. 5588, entitled

A bill to amend 1919 PA 339, entitled “Dog law of 1919,” by amending section 14a (MCL 287.274a), as added by 2006 PA 551.

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 Agriculture.

House Bill No. 5589, entitled

A bill to amend 1988 PA 426, entitled “An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,” by amending the title and section 2 (MCL 287.322).

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 Agriculture.

House Bill No. 5701, entitled

A bill to amend 1937 PA 306, entitled “An act to promote the safety, welfare, and educational interests of the people of this state by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, certain public or private school buildings or additions to those buildings and by regulating the construction, reconstruction, and remodeling of, and the installation of certain security devices at, buildings leased or acquired for school purposes; to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 1d (MCL 388.851d), as added by 2020 PA 45.

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. 5712, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2092) by adding section 52a.

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

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 768, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30, 51, and 623 (MCL 206.30, 206.51, and 206.623), section 30 as amended by 2022 PA 5, section 51 as amended by 2020 PA 75, and section 623 as amended by 2021 PA 135, and by adding section 277.

(This bill was returned from the House on Wednesday, March 2 with a House substitute (H-3), immediate effect and title amendment, and was laid over under the rules. See Senate Journal No. 21, p. 239.)

The question being on concurring in the substitute made to the bill by the House,
Senator Hertel offered the following amendment to the House substitute:

1. Amend page 27, following line 21, by inserting:

“Sec. 623. (1) Except as otherwise provided in this part, there is levied and imposed a corporate income tax on every taxpayer with business activity within this state or ownership interest or beneficial interest in a flow-through entity that has business activity in this state unless prohibited by 15 USC 381 to 384. The corporate income tax is imposed on the corporate income tax base, after allocation or apportionment to this state, at the ~~rate of~~ **following rates in the following circumstances:**

(a) **Through December 31, 2021, 6.0%.**

(b) **On and after January 1, 2022, 3.9%.**

(2) The corporate income tax base means a taxpayer’s business income subject to the following adjustments, before allocation or apportionment, and the adjustment in subsection (4) after allocation or apportionment:

(a) Add interest income and dividends derived from obligations or securities of states other than this state, in the same amount that was excluded from federal taxable income, less the related portion of expenses not deducted in computing federal taxable income because of sections 265 and 291 of the internal revenue code.

(b) Add all taxes on or measured by net income including the tax imposed under this part to the extent that the taxes were deducted in arriving at federal taxable income including any direct or indirect allocated share of taxes paid by a flow-through entity under part 4.

(c) Add any carryback or carryover of a net operating loss to the extent deducted in arriving at federal taxable income.

(d) To the extent included in federal taxable income, deduct dividends and royalties received from persons other than United States persons and foreign operating entities, including, but not limited to, amounts determined under section 78 of the internal revenue code or sections 951 to 965 of the internal revenue code.

(e) Except as otherwise provided under this subdivision, to the extent deducted in arriving at federal taxable income, add any royalty, interest, or other expense paid to a person related to the taxpayer by ownership or control for the use of an intangible asset if the person is not included in the taxpayer’s unitary business group. The addition of any royalty, interest, or other expense described under this subdivision is not required to be added if the taxpayer can demonstrate that the transaction has a nontax business purpose, is conducted with arm’s-length pricing and rates and terms as applied in accordance with sections 482 and 1274(d) of the internal revenue code, and 1 of the following is true:

(i) The transaction is a pass through of another transaction between a third party and the related person with comparable rates and terms.

(ii) An addition would result in double taxation. For purposes of this subparagraph, double taxation exists if the transaction is subject to tax in another jurisdiction.

(iii) An addition would be unreasonable as determined by the state treasurer.

(iv) The related person recipient of the transaction is organized under the laws of a foreign nation which has in force a comprehensive income tax treaty with the United States.

(f) To the extent included in federal taxable income, deduct interest income derived from United States obligations.

(g) Eliminate all of the following:

(i) Income from producing oil and gas to the extent included in federal taxable income.

(ii) Expenses of producing oil and gas to the extent deducted in arriving at federal taxable income.

(h) For a qualified taxpayer, eliminate all of the following:

(i) Income derived from a mineral to the extent included in federal taxable income.

(ii) Expenses related to the income deductible under subparagraph (i) to the extent deducted in arriving at federal taxable income.

(3) For purposes of subsection (2), the business income of a unitary business group is the sum of the business income of each person included in the unitary business group less any items of income and related deductions arising from transactions including dividends between persons included in the unitary business group.

(4) Deduct any available business loss incurred after December 31, 2011. As used in this subsection, “business loss” means a negative business income taxable amount after allocation or apportionment. For purposes of this subsection, a taxpayer that acquires the assets of another corporation in a transaction described under section 381(a)(1) or (2) of the internal revenue code may deduct any business loss attributable to that distributor or transferor corporation. The business loss shall be carried forward to the year immediately succeeding the loss year as an offset to the allocated or apportioned corporate income tax base, then successively to the next 9 taxable years following the loss year or until the loss is used up, whichever occurs first.

(5) As used in this section, “oil and gas” means oil and gas that is subject to severance tax under 1929 PA 48, MCL 205.301 to 205.317.”

The question being on the adoption of the amendment,

Recess

Senator LaSata moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:38 a.m.

11:56 a.m.

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

The question being on the adoption of the amendment,
Senator LaSata moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

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

Senator LaSata 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 Bayer as Chairperson.

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

Senate Bill No. 392, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 623 (MCL 206.623), as amended by 2014 PA 13.

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.

Senator LaSata moved that the Senate return to the order of Motions and Communications,
On which motion Senator Chang requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 55

Yeas—22

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

Nays—15

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

Excused—1

Santana

Not Voting—0

In The Chair: President

The Senate returned to the order of

Motions and Communications

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

Senate Bill No. 392

On which motion Senator Horn requested the yeas and nays.

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

The motion prevailed, a majority of members serving voting therefor, as follows:

Roll Call No. 56

Yeas—23

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

Nays—14

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

Excused—1

Santana

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator LaSata moved that the Senate proceed to consideration of the following bill:

Senate Bill No. 392

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 392, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 623 (MCL 206.623), as amended by 2021 PA 135.

The question being on the passage of the bill,
Senator Irwin offered the following amendment:

1. Amend page 4, following line 20, by inserting:

“Enacting section 1. This act does not take effect unless Senate Bill No. 417 of the 101st Legislature is enacted into law.”.

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. 57

Yeas—15

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

Nays—22

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

Excused—1

Santana

Not Voting—0

In The Chair: President

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

Roll Call No. 58

Yeas—22

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

Nays—15

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki

Bayer	Geiss	McCann	Wojno
Brinks	Hertel	McMorrow	

Excused—1

Santana

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hertel’s statement is as follows:

I love the fact that we are going to have to now vote on a separate bill that would take longer to actually do what you want because you are afraid to vote “yes” on my amendment. I appreciate all the time and attention that’s been played to that. But to quote John Kerry, “I actually did vote for the \$87 billion before I voted against it.” Welcome to that moment in your future debate—whatever else you run for. Have a nice day.

By unanimous consent the Senate returned to the order of

Messages from the House

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 768, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30 and 51 (MCL 206.30 and 206.51), section 30 as amended by 2022 PA 5 and section 51 as amended by 2020 PA 75, and by adding section 277.

(This bill was considered earlier today, amendment offered and consideration postponed. See p. 255.)

The question being on the adoption of the amendment to the House substitute offered by Senator Hertel, 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. 59

Yeas—17

Barrett	Johnson	Nesbitt	VanderWall
Bizon	Lauwers	Outman	Victory
Bumstead	MacDonald	Runestad	Wozniak
Daley	McBroom	Theis	Zorn
Huizenga			

Nays—16

Alexander	Bullock	Hollier	McMorrow
Ananich	Chang	Horn	Moss

Bayer
Brinks

Geiss
Hertel

Irwin
McCann

Polehanki
Wojno

Excused—1

Santana

Not Voting—4

LaSata

Schmidt

Shirkey

Stamas

In The Chair: President

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

Roll Call No. 60

Yeas—22

Barrett
Bizon
Bumstead
Daley
Horn
Huizenga

Johnson
LaSata
Lauwers
MacDonald
McBroom
Nesbitt

Outman
Runestad
Schmidt
Shirkey
Stamas

Theis
VanderWall
Victory
Wozniak
Zorn

Nays—15

Alexander
Ananich
Bayer
Brinks

Bullock
Chang
Geiss
Hertel

Hollier
Irwin
McCann
McMorrow

Moss
Polehanki
Wojno

Excused—1

Santana

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 not voting therefor.
The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Protest

Senator Hertel, under his constitutional right of protest (Art. 4, Sec. 18), protested against adoption of the amendment he offered to the House substitute to Senate Bill No. 768 and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Hertel’s statement is as follows:

My amendment is fairly simple. It allows you to do what you said you were doing in all of those wonderful speeches last week, when you said that you wanted to cut the corporate tax rate. I’m opposed to my amendment. I’ll be voting “no,” but I just wanted to give you the opportunity to choose between whether you are actually going to do what you said you were going to do or you can now vote against that.

Since we’re playing a political game here at this point on this—not negotiating these bills, in a room actually negotiating how to spend dollars—while you’re just doing this out here trying to show taxpayers that you’re going to help them even though that’s not actually what you’re doing, I want to give you the opportunity to actually show your own selves as who you are. So either vote for the corporate tax decrease and send the bill back to the House or vote against the proposals that you all got up and spoke about last week.

Have a great day.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Moss and Nesbitt 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:

I wasn’t finished.

A security officer believed he was fired for being gay from a private security company; a bus driver for a school district was denied a promotion and believed it was because of his sexual orientation; a transgender EMT worker was fired for wearing nail polish; a girl was bullied in high school and attacked by other students, the school district failed to take remedial action, and she dropped out of school. A transgender student was elected homecoming king by a landslide but the school district invalidated his votes, a waiter at a restaurant was terminated and alleged sexual orientation discrimination and harassment, a Walmart employee was harassed for being transgender, a lesbian woman was denied a haircut because the salon said the style was for a man. A transgender woman was denied an opportunity to participate in roller derby, a transgender woman was denied a job at a grocery store and was told it was because of her gender identity, a gas station employee was harassed by other employees because he was gay, a dance studio refused to allow gay couples to participate in ballroom dancing lessons, a transgender woman’s apartment and car were vandalized, a contractual employee’s contract was not renewed because she was too masculine-acting, a teacher made negative comments to his class about gay parents. A patient in a hospital was subject to negative comments about his sexual orientation by a residential counselor. A manager refused to place an employee in an agency where his boyfriend works because other employees would be too uncomfortable being around two gay people—I can only imagine how upsetting it would be if there were two gay Senators here.

A man was fired for having HIV, a transgender woman was physically attacked and harassed because of her gender expression, a trans woman’s hormone therapy was denied payment by Medicaid because of the state’s blanket exclusion, at the time, for paying for trans-related medications. A teaching assistant at a college believed he was fired from his job because of his sexual orientation, a trans employee at Walmart alleged harassment on the job and failure of the employer to intervene. A gay man was fired from his job and believed it was because of his sexual orientation, a same-sex couple was told by a catering facility that they could not have their wedding reception there. A doctor refused to provide preventative medical care services to a transgender patient, a student was bullied in school for being gay and the school did not adequately address the incidents.

The state went after the surviving partner of a nursing home patient, threatened to take away their home because there was no same-sex partner exemption at the time in the state law, and went after the estate. A middle school student was bullied and harassed, and the school district failed to adequately address it. A firefighter was harassed for being gay, a transgender employee at a manufacturing company believed she was fired because of gender identity and expression, an employee at a restaurant believed he was fired for being gay, a volunteer at a museum believed he was fired for being gay, an employee at a fast food restaurant was harassed by management for being gay, a lesbian auto employee was harassed by her supervisor because

of her sexual orientation. A student at an ROTC program at a high school was told she can only bring a male date to the ROTC dance, a transgender inmate was denied mail by the local county jail, an employee at a restaurant was harassed due to his sexual orientation, a male employee at a coffee shop was fired for acting too girly. A legally married employee was denied insurance coverage for her spouse by her employer, which refused to recognize their legal marriage. A charter school refused to recognize legally married same-sex couples for the purpose of any spousal benefits.

A mother of a trans parent was threatened by other parents with a PPO to keep her trans daughter away from their children. A foster care agency discriminated against a same-sex couple because of their sexual orientation, a transgender male student was not allowed to participate as a male on prom court. Medicaid refused to pay for hormone therapy for a trans recipient, even though the doctor had indicated that it is medically necessary. The state of Michigan refused to recognize a spouse of a retired state employee, whom she married in California in 2013, and that occurred after the marriage equality decision. A hospital refused to record the names of both parents on a birth certificate even after the marriage equality decision despite a statement from the department of vital records that both parents would be recognized. The new form wasn't even amended until the fall of 2018.

Senator Nesbitt's statement is as follows:

Thank you to this body for passing historic tax relief today. As we know, Mr. President, no Michigander has been unaffected by the state of our economy. Trying to fill up your car to get to work or school, trying to find groceries and then afford them when you do, trying to find supplies that are needed to run your small business and to keep the doors open, trying to pay both for meals and for prescription drugs, inflation is out of control from the overspending we've seen at the federal level.

I rise in support of Senate Bill No. 768 which passed today because it acknowledges that every Michigander needs help at this time of record-high inflation, supply chain shortages, and communities struggling to recover from shutdowns. This bill that passed provides tax relief for every Michigander here in Michigan—from newlywed couples to couples celebrating their golden wedding anniversary, from recent college graduates to retired auto workers, from families with one child to families with many, from the farmers milking the cows to families buying the milk—no Michigander has been immune from the state of our economy and no Michigander should be left behind when it comes to providing substantive tax relief.

Mr. President, I'd like to thank the body for the support of this historic reduction in taxes for every Michigan resident.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 2:

House Bill Nos. 5588 5589 5701 5712

The Secretary announced that the following bills and resolutions were printed and filed on Wednesday, March 2, and are available on the Michigan Legislature website:

Senate Bill Nos. 940 941 942 943 944 945 946 947

Senate Resolution Nos. 112 113

House Bill Nos. 5868 5869 5870

Committee Reports

The Committee on Transportation and Infrastructure reported

Senate Bill No. 871, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes;

to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” by amending section 10r (MCL 247.660r), as added by 2020 PA 140.

With the recommendation that the bill pass.

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

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, McBroom, Victory, Outman, Lauwers, Wozniak, Geiss and Hollier

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Infrastructure reported

House Bill No. 4451, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 309 (MCL 257.309), as amended by 2020 PA 304.

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

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

Tom Barrett
Chairperson

To Report Out:

Yeas: Senators Barrett, LaSata, McBroom, Victory, Outman, Lauwers, Wozniak, Geiss and Hollier

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Wednesday, March 2, 2022, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Barrett (C), LaSata, McBroom, Victory, Outman, Lauwers, Wozniak, Geiss and Hollier

Excused: Senator Bullock

The Committee on Finance reported

Senate Bill No. 697, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 279.

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

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

Jim Runestad
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

Senate Bill No. 783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 516, 520, and 522 (MCL 206.516, 206.520, and 206.522), section 516 as amended by 2016 PA 212 and sections 520 and 522 as amended by 2015 PA 179, and by adding sections 505 and 521.

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

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

Jim Runestad

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

Senate Bill No. 784, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7b (MCL 211.7b), as amended by 2013 PA 161.

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

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

Jim Runestad

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

House Bill No. 5080, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1 and 25 (MCL 205.51 and 205.75), section 1 as amended by 2018 PA 2 and section 25 as amended by 2021 PA 38.

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

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

Jim Runestad

Chairperson

To Report Out:

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

Nays: Senators Chang and Alexander

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

The Committee on Finance reported

House Bill No. 5081, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2 and 21 (MCL 205.92 and 205.111), section 2 as amended by 2018 PA 1 and section 21 as amended by 2020 PA 30.

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

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

Jim Runestad

Chairperson

To Report Out:

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

Nays: Senators Chang and Alexander

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 2, 2022, at 12:30 p.m., Room 1200, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Labor and Economic Opportunity/MEDC submitted the following:

Meeting held on Wednesday, March 2, 2022, at 1:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Horn (C), Schmidt, Huizenga and Hertel

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on General Government submitted the following:

Meeting held on Wednesday, March 2, 2022, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

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

Scheduled Meetings**Appropriations****Subcommittees –**

Corrections and Judiciary – Wednesdays, March 9, 12:00 noon, or immediately following session, March 16, and March 23, 11:30 a.m., or immediately following session, Room 1300, Binsfeld Office Building (517) 373-2768

General Government – Wednesdays, March 9, March 16, and March 23, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

K-12 and Michigan Department of Education – Thursday, March 10, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Licensing and Regulatory Affairs/Insurance and Financial Services – Thursday, March 10, 8:30 a.m. and 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-2768

Military and Veterans Affairs/State Police – Thursday, March 10, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Natural Resources and Environment, Great Lakes, and Energy – Tuesday, March 8, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-2768

Senator LaSata moved that the Senate adjourn.

The motion prevailed, the time being 12:24 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, March 8, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate