

No. 1
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Wednesday, January 12, 2022.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 101st Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2022), at twelve o'clock noon, and were 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.

District	Name	District	Name
1st	Stephanie Chang	20th	Sean McCann
2nd	Adam J. Hollier	21st	Kimberly A. LaSata
3rd	Sylvia Santana	22nd	Lana Theis
4th	Marshall Bullock II	23rd	Curtis Hertel, Jr.
5th	Betty Jean Alexander	24th	Tom Barrett
6th	Erika Geiss	25th	Dan Lauwers
7th	Dayna Polehanki	26th	Aric Nesbitt
8th	Douglas C. Wozniak	27th	Jim Ananich—excused
9th	Paul Wojno	28th	Mark E. Huizenga
10th	Michael D. MacDonald	29th	Winnie Brinks
11th	Jeremy Moss	30th	Roger Victory
12th	Rosemary Bayer	31st	Kevin Daley
13th	Mallory McMorrow	32nd	Ken Horn
14th	Ruth A. Johnson	33rd	Rick Outman—excused
15th	Jim Runestad	34th	Jon Bumstead
16th	Mike Shirkey	35th	Curtis S. VanderWall
17th	Dale W. Zorn	36th	Jim Stamas
18th	Jeff Irwin	37th	Wayne A. Schmidt
19th	John Bizon, M.D.	38th	Ed McBroom—excused

Senator Kevin Daley of the 31st District offered the following invocation:

Our Father and God, as we stand at the beginning of this new year, we confess our need of Your presence and Your guidance as we face the future. Lord, You make all things new. With Your presence brings Your guiding hands, and cause of our spirit to be born again. Thank You for this new year and for all the potential it holds. Come and guide us as we begin this new year; a mighty flame, so that in our time many will see the wonders of God and live forever to praise Your glorious name. 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 Senators McBroom and Outman be excused from today’s session. The motion prevailed.

Senator Chang moved that Senator Ananich be excused from today’s session. The motion prevailed.

The following communication was received:

County of Jackson

October 19, 2021

RESOLUTION NO. 10-21.27

Resolution to oppose mandatory vaccinations, mandatory wearing of masks and other face coverings, vaccination passports, and mandatory Covid testing and support a citizen’s right to self-determination and parental rights to decide what is best for their children.

James E. Shotwell, Jr., Chairperson
Jackson County Board of Commissioners

The communication was referred to the Secretary for record.

The following communications were received:

City of Ypsilanti

November 17, 2021

At our November 16, 2021, regular meeting, the Ypsilanti City Council passed Resolution No. 2021-257 regarding Senate Bill 705.

Thank you in advance for your consideration on this very important matter.

December 13, 2021

At our December 7, 2021, regular meeting, the Ypsilanti City Council passed Resolution No. 2021-267 regarding MI Prosperity Roadmap Proposal.

Thank you in advance for your consideration on this very important matter.

Sincerely,
Andrew Helliga
City Clerk

The communications were referred to the Secretary for record.

The following communication was received:

Department of State

Administrative Rules
Notice of Filing

January 6, 2022

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-082-LR (Secretary of State Filing #22-01-01) on this date at 12:20 p.m. for the Department of Licensing and Regulatory Affairs entitled, “Pharmacy – Controlled Substances.”

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Jocelyn Benson
Secretary of State
Sue Sayer, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
City of Ypsilanti

January 7, 2022

At our December 21, 2021, regular meeting, the Ypsilanti City Council passed Resolution No. 2021-270 regarding criminal record expungements.

Thank you in advance for your consideration on this very important matter.

Sincerely,
Chelsea Thomas
Deputy City Clerk

The communication was referred to the Secretary for record.

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

House Bill No. 5291, 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," (MCL 247.651 to 247.675) by adding sections 9d and 10s.

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

Senator Lauwers moved that the bill be referred to the Committee on Economic and Small Business Development.

The motion prevailed.

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

The motion prevailed.

Senator Shirkey's statement is as follows:

Happy New Year to everybody in this chamber. I don't like starting the year out with this particular message—selfishly—but I'm happy for the message we're going to deliver on behalf of Laken. It is with true and sincere mixed feelings that we say goodbye to a valued member of the Secretary of the Senate's team, Laken Stoliker.

Laken started with the Senate exactly nine years and nine days ago today. During her time here, she has worked with three different Secretaries and supported the administration of their office, often using her meticulous attention to detail to ensure that many important tasks are completed correctly, all inuring to our benefit. All of our offices have worked closely with Laken over these years as she has managed the schedule for the invocator and General Orders chair, and she has organized the swearing-in ceremonies and much more. She has faithfully answered the phone and listened patiently to the concerns of our constituents over and over and over again before transferring them to the right office—a listening ear indeed.

But there is so much more to what Laken has done with her exceptional work ethic. If you ask anyone about Laken, they will say she is kind, loyal, supportive, generous, and conscientious. She is always ready with a listening ear, a beautiful smile, a kind word, or a special treat—if you haven't been on the receiving end of some of those special treats, that's your loss. Everywhere she goes, she creates strong bonds and close relationships with others. A believer in laughter, she helped organize a team called the Capitol Trolls who ran a 5K inflatable race. While the team's time was not that great, the memories were priceless. I think some of my team ran in that race with her as well. In partnership with others, she plans the nonpartisan staff summer and holiday festivals and festivities as well.

Laken's family has a long history of serving in the state of Michigan. Her grandma, her mom, her uncle, her aunt, and cousin all have worked here in the Capitol—in fact, her mom Dawn and uncle Scott still work here and are here with us today. Helping others is indeed in your DNA. It shows in how she greets everyone and how she makes people feel important and valued; and for those who have been afraid to ask, she is not related to E. Lakin Brown nor is she named after him. That's a very good thing.

Laken's true passion is her family, especially her husband Travis—I think Travis is up in the Gallery; Travis, welcome to the Senate—and son Lane. Outside of her family, she enjoys cooking, gardening, making memories with friends, laughing, dreaming of endless fun ideas, adventures, and doing tricks on other people—I added that in. Laken's sense of humor is wonderful and in collaboration with her boss, she plays fun pranks—Margaret—on the Clerk of the House, often with the support of his staff. She is credited with strengthening the bond between the Secretary's office and the Clerk's office which allows them to work even better together.

While she is leaving us for a wonderful opportunity at the Edward Lowe Foundation—that is a very fantastic foundation, by the way—she's leaving part of her behind with us, the part that loves the Capitol Building and people who work here who will miss you dearly. The Secretary and her entire team are already missing her. She has been a treasured member of that team. We are blessed to have had you for nine years and nine days. We wish you the very best Laken, but your office is only a quick walk away and we hope to see you often. Congratulations and we wish you nothing but the very best.

Mr. President, I would ask that we give Laken a very needed and necessary and legitimate sending-off, sir.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:16 p.m.

12:32 p.m.

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

Messages from the Governor

The following message from the Governor was received on December 29, 2021, and read:

EXECUTIVE ORDER
No. 2021-16

Unemployment Insurance Fraud Response Team

Unemployment insurance (“UI”) helps Michigan families get through tough times. UI keeps food on the table even when a steady source of income dries up. And it ensures that no child goes hungry simply because their parent has the misfortune to lose their job.

Even as UI provides a lifeline for working families to get back on their feet, it can also be a target for criminal enterprises. Over the last 18 months, states across the nation have seen UI fraud of unprecedented scope. UI fraud not only costs taxpayers money, it can deprive Michiganders of economic assistance just when they need it most. It is our duty as a state to do all we can to stop UI fraud, even as we ensure that valid claims are paid accurately and promptly.

Effective enforcement is an important tool to stop UI fraud. Michigan will benefit from a coordinated approach, leveraging the capacities of state, local, and federal law enforcement to efficiently identify, investigate, and prosecute individuals who steal UI benefits.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creation of the Unemployment Insurance Fraud Response Team

(a) The Unemployment Insurance Fraud Response Team (“Response Team”) is created as an advisory body within the Michigan Department of Labor and Economic Opportunity (“Department”).

(b) The Response Team must consist of:

(1) The director of the Unemployment Insurance Agency (“Agency”), and/or any of the director’s designees from within the Agency.

(2) The Attorney General, and/or any of the Attorney General’s designees from within the Department of Attorney General.

(3) The State Treasurer, and/or any of the State Treasurer’s designees from within the Department of Treasury.

(4) The director of the Department of State Police, and/or any of the director’s designees from within the Department of State Police.

(c) Employees of the U.S. Department of Justice, U.S. Secret Service, U.S. Department of Labor, Federal Bureau of Investigation, U.S. Department of Homeland Security, Internal Revenue Service, U.S. Postal Inspection Service, Social Security Administration, or other relevant federal agencies may participate on the Response Team.

(d) A vacancy on the Response Team must be filled in the same manner as the original appointment or designation.

(e) All members of the Response Team serve at the pleasure of the governor.

(f) The director of the Agency shall be the chairperson of the Response Team.

2. Charge to the Response Team

(a) The Response Team will provide recommendations to the director of the Department and the heads of other departments or agencies.

(b) The Response Team will coordinate activities among UI fraud enforcement partners at all levels of government.

(c) The Response Team will work to expedite enforcement activities related to unemployment insurance fraud in Michigan.

3. Operations of the Response Team

(a) The Department must assist the Response Team in the performance of its duties and provide personnel to staff the Response Team. The budgeting, procurement, and related management functions of the Response Team will be performed under the direction and supervision of the director of the Department. Other departments, including the Department of Attorney General, may also provide personnel to staff the Response Team.

(b) The Response Team may adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(c) The Response Team may select from among its members a vice chairperson.

(d) The Response Team may select from among its members a secretary.

(e) The Response Team must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Response Team.

(f) The Response Team may establish advisory workgroups composed of individuals or entities participating in Response Team activities or other members of the public as deemed necessary by the Response Team to assist it in performing its duties and responsibilities. The Response Team may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(g) The Response Team may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Response Team also may consult with outside experts to perform its duties, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education.

(h) The Response Team may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Response Team and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.

(i) The Response Team may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(j) Members of the Response Team must not receive any additional compensation for their work as part of the Response Team.

(k) Members of the Response Team must refer all legal, legislative, and media contacts to the Agency.

4. Implementation

(a) All departments, agencies, committees, commissioners, and officers of this state must give to the Response Team any assistance necessary to the performance of its duties, so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Response Team, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

(e) This order is effective upon filing. The Response Team is terminated on December 31, 2023 at 11:59 PM.

Given under my hand and the Great Seal of the State of Michigan.

Date: December 29, 2021

Time: 7:15 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 7, 2022

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

Natural Resources Commission

Mr. Mark David Anthony of 2708 I Lane, Bark River, Michigan 49807, county of Delta, succeeding James "JR" Richardson whose term expires December 31, 2021, appointed to represent Democrats, for a term commencing January 7, 2022 and expiring December 31, 2025.

Honorable Leslie Love of 20444 Oxley Street, Detroit, Michigan 48235, county of Wayne, succeeding the late Michael Lashbrook, appointed to represent Democrats, for a term commencing January 7, 2022 and expiring December 31, 2023.

January 7, 2022

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 451 of 1994, MCL 324.1905:

Michigan Natural Resources Trust Fund Board

Dr. Brandy Brown of 2988 N. 30th Street, Kalamazoo, Michigan 49048, county of Kalamazoo, succeeding Erin McDonough whose term has expired, appointed for a term commencing January 7, 2022 and expiring October 1, 2025.

Respectfully,
Gretchen Whitmer
Governor

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

The following message from the Governor was received and read:

January 6, 2022

This letter serves to inform you that I have received and accepted a bequest of \$59,121.64 from the Estate of Patricia A. Kastel, such that right and title to these funds have passed to the State of Michigan. Pursuant to MCL 21.161, I have transferred this gift to the state treasury and am reporting this receipt and transfer of funds to the legislature, as required by law.

Sincerely,
Gretchen Whitmer
Governor

The message was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

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

Senate Bill No. 797, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164c.

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

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

Senate Bill No. 798, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164d.

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

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

Senate Bill No. 799, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

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

Senate Bill No. 800, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164c.

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

Senators LaSata, Horn and Wozniak introduced

Senate Bill No. 801, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3 and 11 (MCL 388.1603 and 388.1611), section 3 as amended by 2020 PA 165 and section 11 as amended by 2021 PA 48, and by adding section 78.

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

Senators Höllier, Bullock, McBroom, Huizenga, Irwin, Ananich, Chang, Santana, Wojno, Moss, McMorrow, Polehanki, Bayer, Brinks, Victory, VanderWall, Johnson, Nesbitt, Geiss, LaSata, Horn, Runestad, MacDonald, Wozniak, Daley, Lauwers and Schmidt introduced

Senate Bill No. 802, entitled

A bill to designate the official native grain of this state.

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

Senator Barrett introduced

Senate Bill No. 803, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 4 and 21 (MCL 205.94 and 205.111), as amended by 2021 PA 109.

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

Senator Barrett introduced

Senate Bill No. 804, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending sections 4a and 25 (MCL 205.54a and 205.75), as amended by 2021 PA 108.

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

Senator MacDonald introduced

Senate Bill No. 805, entitled

A bill to amend 2014 PA 86, entitled “Local community stabilization authority act,” (MCL 123.1341 to 123.1362) by adding section 17a.

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

Senator MacDonald introduced

Senate Bill No. 806, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 9m and 9n (MCL 211.9m and 211.9n), as amended by 2017 PA 261.

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

Senator MacDonald introduced

Senate Bill No. 807, entitled

A bill to amend 2014 PA 92, entitled “State essential services assessment act,” (MCL 211.1051 to 211.1061) by adding section 7a.

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

Senators Runestad, Chang, Wozniak and Johnson introduced

Senate Bill No. 808, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 78b, 78c, and 78f (MCL 211.78b, 211.78c, and 211.78f), sections 78b and 78c as amended by 2015 PA 202 and section 78f as amended by 2015 PA 190.

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

Senators Johnson, Chang, Wozniak and Runestad introduced

Senate Bill No. 809, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 78h and 78k (MCL 211.78h and 211.78k), section 78h as amended by 2014 PA 499 and section 78k as amended by 2020 PA 33.

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

Senators Johnson, McBroom, Barrett and Chang introduced

Senate Bill No. 810, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1084 and 1091 (MCL 600.1084 and 600.1091), section 1084 as amended by 2017 PA 161 and section 1091 as amended by 2018 PA 591.

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

Senators VanderWall, Daley and McCann introduced

Senate Bill No. 811, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17609 (MCL 333.17609), as amended by 2010 PA 304.

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

Senators VanderWall, Nesbitt, Hollier, Zorn, Wojno, Hertel, Chang, Irwin, Wozniak and Daley introduced

Senate Bill No. 812, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20199 (MCL 333.20199) and by adding part 216A.

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

Senator McCann introduced

Senate Bill No. 813, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 30111d.

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

Senator Daley introduced

Senate Bill No. 814, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.847) by adding sections 277 and 677.

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

House Bill No. 4970, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1179c.

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. 5252, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 475 (MCL 168.475), as amended by 1999 PA 219.

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 Elections.

House Bill No. 5258, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 565, 710, and 711 (MCL 168.565, 168.710, and 168.711), sections 565 and 711 as amended by 1984 PA 113.

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 Elections.

House Bill No. 5274, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2016 PA 491.

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

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

House Bill No. 5275, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 7j (MCL 722.627j), as amended by 2010 PA 81.

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

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

House Bill No. 5276, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 5, 7d, 7e, 7g, 8b, 8d, 9a, and 18 (MCL 722.625, 722.627d, 722.627e, 722.627g, 722.628b, 722.628d, 722.629a, and 722.638), section 5 as amended by 2004 PA 563, sections 7d, 7e, 7g, and 9a as added by 1998 PA 428, section 8b as amended by 2006 PA 263, section 8d as amended by 2014 PA 30, and section 18 as amended by 2018 PA 59.

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

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

House Bill No. 5277, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 2 (MCL 722.622), as amended by 2018 PA 59.

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

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

House Bill No. 5278, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 7 (MCL 722.627), as amended by 2018 PA 56.

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

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

House Bill No. 5279, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 10 (MCL 722.120), as amended by 2019 PA 94.

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

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

House Bill No. 5280, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 1 (MCL 722.111), as amended by 2020 PA 6.

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

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

House Bill No. 5370, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 649a.

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

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

House Bill No. 5449, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30i (MCL 125.2330i), as amended by 2005 PA 162, and by adding section 30j.

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

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

House Bill No. 5523, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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 Appropriations.

House Bill No. 5534, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 9 (MCL 722.119), as amended by 2017 PA 257.

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

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

House Bill No. 5594, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” (MCL 722.621 to 722.638) by adding section 7l.

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

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

House Bill No. 5613, entitled

A bill to amend 1921 PA 2, entitled “An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred,” by amending section 3 (MCL 17.3), as amended by 2019 PA 161.

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 Appropriations.

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

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

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

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

House Bill No. 4343, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1138a.

The bill 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. 4290, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2021 PA 168.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of
Messages from the House

The following message was received and read:

January 12, 2022

By direction of the House of Representatives, I hereby notify you that a quorum of the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
 Gary L. Randall, Clerk
 House of Representatives

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Theis offered the following resolution:

Senate Resolution No. 101.

A resolution to condemn President Biden’s authoritarian Head Start Vaccine and Mask Mandate and call upon Governor Gretchen Whitmer and Attorney General Dana Nessel to take action against this egregious federal overreach.

Whereas, After initially rejecting vaccine mandates, President Joe Biden declared that his “patience” with unvaccinated Americans was “wearing thin” as he announced a number of mandates, including for Head Start programs. The Head Start Mandate requires all Head Start staff, volunteers, and contractors to be vaccinated and all individuals two years or older to wear masks; and

Whereas, The Head Start Mandate is a blatant overreach of executive authority. The Founding Fathers gave Congress the power to make laws, not the executive branch. Allowing the President to enact law by decree on a whim or when they “lose patience” with Americans would fundamentally alter our system of government; and

Whereas, The Head Start Mandate infringes on the rights of states protected by the United States Constitution. Under the Tenth Amendment, states retain all powers that are not granted to the federal government. Allowing the Head Start Mandate to take effect would radically alter the relationship between states and the federal government; and

Whereas, The Head Start Mandate serves no public health purpose and will result in resistance, not compliance. The continued use of oppressive policies, such as mandates, in the face of another COVID-19 variant and the third year of the Pandemic reveals that the policy’s true purpose is control rather than public health. Such policies are particularly alarming and destructive when directed at our nation’s young children; and

Whereas, Despite the Head Start Mandate’s dubious legality, Governor Gretchen Whitmer and Attorney General Dana Nessel have continued to acquiesce to the Biden Administration’s intrusion upon our state’s sovereign lawmaking authority and refused to stand up for the rule of law. To date, two federal courts have enjoined enforcement of the Head Start Mandate, effectively prohibiting its enforcement in the twenty-five states that challenged the mandate. As a result, federal mandates that are not currently effective only a few miles away in the State of Ohio continue to be imposed upon Michiganders; now, therefore, be it

Resolved by the Senate, That we condemn President Biden’s authoritarian Head Start Vaccine and Mask Mandate; and be it further

Resolved, That we call upon Governor Gretchen Whitmer and Attorney General Dana Nessel to join those leaders who have filed suit to protect the interests of their states and citizens and pursue all available avenues to stop enforcement of President Biden’s unlawful Head Start Mandate and all other recent instances of egregious federal overreach; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Director of the United States Department of Health and Human Services, the Governor, and the Attorney General.

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

Senator Lauwers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Lauwers requested the yeas and nays.

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

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

Roll Call No. 1

Yeas—20

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

Nays—15

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

Excused—3

Ananich	McBroom	Outman
---------	---------	--------

Not Voting—0

In The Chair: Nesbitt

Protests

Senators McMorrow, Irwin, Moss, Brinks, Wojno, Alexander, Bullock, Geiss, McCann, Bayer, Polehanki, Chang, Santana and Hertel, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 101.

Senators McMorrow and Irwin moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator McMorrow’s statement is as follows:

I was really hoping that in turning over a new year we would be able to start fresh here. We are going into year three of this pandemic and just last week a record number of children in Michigan were reported hospitalized with COVID-19. So let’s talk about who is in Head Start programs—these are babies, it is children ages 0 through 5, babies who cannot get vaccinated, babies who can’t yet wear masks—and a record number of them are getting sick. Just looking around this room today as omicron is spreading like wildfire, and one of our state’s largest hospital systems in my district took out a full page newspaper ad begging, begging for people to get vaccinated, to wear a mask in public spaces, because they are at a breaking point again, in year three. So I hear my colleagues on the other side of the aisle say that they don’t believe that mandates are the way forward but I have yet to hear, three years later, what the proposed solutions are. I heard that we need to inform and inspire, yet Michigan has an overall vaccination rate somewhere around 56 percent, while babies are getting sick and ending up in the hospital.

So it is heartbreaking as we enter a new year that this the first thing that we are wasting our time on. I hope that we can move forward, caring about babies and children. My baby got COVID-19 and I’m glad that she was okay, but the scariest thing about this virus is you don’t know. So in the first 24 hours of her being sick with a fever, and throwing up, and not being able to sleep, I was terrified as I’m sure parents who have kids in Head Start programs are, who just want facilities to stay open and stay open safely. So I encourage a “no” vote on this because it’s not a solution. I hear that you don’t support mandates but I have yet to hear, three years later, what the solution is.

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

Our state of Michigan and our whole nation is in a fight against an airborne virus that has killed hundreds of thousands of our people, and as the previous speaker just mentioned, has led to a recent wave which has hospitalized more children in our state than ever before and in the midst of this context I rise to oppose this resolution and everyone who supports it because you are siding with the coronavirus and not with our people. Look, we’re talking about masks and vaccines, things that I didn’t think were going to be controversial before I was elected to this office. I would have never thought that in a public health crisis one political party would stand up to oppose masks and vaccines—simple, effective public health measures that save lives, that reduce transmission, that reduce the likelihood of mutations. Not only do these measures of masks and vaccines save lives, and keep people out of the hospital, and reduce human suffering—these are the measures that can keep our economy back open, these are the measures that can keep our schools open.

I have heard time and time again here in this chamber, from folks that are my colleagues, saying we need to keep schools open, but then I’ve seen you time and time again take action to keep our schools closed, to hold back testing money, to oppose the advertising of vaccines, and now today to condemn an action that would protect little children against a dangerous respiratory virus. How can you come here and vote against masks and vaccines when we have a public health crisis? So I stand today to oppose this resolution because I’ve heard time and time again how we want to get our state back to normal, how we want to get our state back on track. It’s actions like this, actions like we’ve seen over the course of the entire last year, while you’ve withheld resources that would keep schools open, while you’ve withheld resources that could reopen our economy and we are right back here again doing the same thing, hobbling our citizens, taking sides with the virus and not our people.

This is a public health crisis and public health is a group project. We need full participation from everybody in this chamber to beat this virus. We are supposed to be on the same team.

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:

I rise to speak in support of Senate Resolution No. 101. This resolution voices opposition to the Biden administration's recent mandate of Head Start programs throughout the nation, including Michigan, to require COVID-19 vaccines and the wearing of face masks. The mandate requires all Head Start staff, volunteers, and contractors be vaccinated and all individuals 2 years of age and older to wear masks. President Biden doesn't have the right nor does he have the authority to issue these mandates. He doesn't have the right to issue mandates for vaccines or for masks.

We the people are not beholden to the whims of this President who is driven by politics and emotion, whether he knows it or not. The Tenth Amendment to the U.S. Constitution makes it clear. It states that the states and the people retain all powers that are not expressly granted to the federal government. Biden's latest mandate infringes on states' rights and thus radically alters the relationship between the state and federal government. The fact of the matter is that two federal courts have already enjoined enforcement of Biden's Head Start mandate effectively prohibiting it in the states whose attorneys general acted on behalf of their students and teachers recognizing their rights. Nearly two years since the start of the pandemic, Biden continues to reveal through his actions that his motives are no longer about public health but manipulative control—this time, by shamefully using our children as pawns.

Governor Whitmer and Attorney General Nessel would be wise to recognize and reject his administration's latest overreach of power by refusing to allow the mandate's implementation.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Irwin's statement is as follows:

I rise to offer some comments in a slightly different tenor than my previous comments. Look, I think you all know this but I just want to give voice to this problem that is happening in Michigan right now that I think we can all come together and solve if there was some will to do so. As you all know, we passed changes to the Open Meetings Act over the course of the last two years to allow local boards and commissions to meet virtually. That allowance ended at the end of the year, and that allowance ended at a time when the latest wave of virus transmission in our state is at an all-time high. I don't know about you, but I've gotten a lot of comments from some of my local governments, particularly from people who are volunteers on local boards and commissions—people who serve on parks commissions or transit authorities or arts commissions or local disability councils. These people are reaching out and they're saying, Look, I want to serve my community, I'm a volunteer in my local government, I want to be a part of my local government, I want to participate and because of this virus—what these people are contacting me saying are probably contacting you saying which is that, I don't feel safe at this time going into these places, particularly when we have people who themselves may be immunocompromised or who may have cancer, may be taking some sort of treatment that prevents their body from reacting well particularly to this virus which is hurting so many of us.

What I'm asking you to do is I'm asking you to really think about this. We have an opportunity to extend this authority to meet virtually. It's something we should come together quickly to do. I think the conversation about virtual meetings more broadly is going to take some time because I think there are some bona fide concerns about how do we make sure it's done fairly and right, but in the short term we shouldn't be forcing individuals who are volunteering to serve their local governments to make a choice between their health and their ability to continue to serve. That's wrong. These are volunteers, they want to serve their community, they're Democrats and Republicans and Libertarians and all stripes. They just want to be a part of their community and we need to take the step here to allow that. Let's extend the opportunity for virtual meetings.

Please, let's take these bills up. There are several bills in the chamber that would allow us to do this. Let's give our local governments the authority to continue operating virtually for a limited period of time so that these individuals who are volunteering on boards and commissions can continue to be a part of their community and aren't faced with this horrible choice that they're faced with right now, which is to resign or put their health at risk.

Senator Wozniak's statement is as follows:

I wish to express my concerns regarding the Governor's request, and the Michigan Catastrophic Claims Association's approval, to issue approximately \$3 billion in refunds to auto insurance policyholders prior to this summer's legally-required third-party audit of the fund in accordance with Public Act No. 21 of 2019, which we just passed two years ago.

One of the major components of the no-fault reform legislation and one of the reasons it garnered such broad bipartisan support is that it guaranteed an independent audit of the MCCA to accurately assess its assets in comparison to its anticipated obligations to the catastrophically injured. Only six months have passed since the provisions of the law were implemented. The full impact of the law has yet to be determined so it is premature to dramatically reduce the balance of the fund. More than 1,500 Michiganders with catastrophic injuries lost some or all of their care due to the changes in the law, and more than 3,000 people lost their jobs. On July 1, the state's new auto no-fault law imposed dramatic cuts in payments to companies and families providing care for the catastrophically injured. The payments were slashed nearly in half, and in many cases providers are now being reimbursed for services at well below the actual cost of providing the care. In a recent study—as a matter of fact, just this morning—96 percent of the organizations reported that their services were impacted by the payment cuts, 51 percent had to significantly reduce services and products, 35 percent cannot accept new patients with auto insurance funding, 11 percent had to discharge patients—which I find incorrigible—and 8 percent had to close operations completely.

No one doubts that there is likely an excess of funds available to issue these rebates; however, it has not been established what is needed to satisfy future obligations, nor that the policy goals of the 2019 reforms—across-the-board reduction in costs, improved accessibility and affordability of insurance, and continued quality care for current benefit recipients—have been reached. The Legislature deliberately included provisions in the act to require an independent audit—an independent audit—to be conducted in 2022, not last year—2022—with sufficient time to accurately assess its impact before refunds are issued in 2023. That's in the law.

I implore the Governor and the board of the MCCA to follow the law and await the result of this summer's audit before significantly reducing the balance of the MCCA fund. I would also like to point out that, as with all legislation of significant scope, when we developed, negotiated, and passed Senate Bill No. 1 of 2019, we got a lot of things right, but we missed the mark on a few other items. Among the latter I count the intended solution to the problem of excessive provider charges from a limited number of care providers, which severely impacted all providers of care for the catastrophically injured by creating a fee structure that fails to allow realistic payment for vital services and has driven many out of business, resulting in catastrophically injured patients receiving a dramatic reduction in care. If we destroy that industry in our state, it will be catastrophic later, not just now, but also later.

I am also therefore committed to continued advocacy of legislation that I and others have developed to address this inadvertent but nonetheless egregious error in the original reform legislation. I encourage my colleagues in both chambers and the Governor to speak with affected constituents—and many are here today.

Senator Runestad's statement is as follows:

I was not intending to speak today but I listened to the sanctimonious speeches about wanting the state of Michigan to force 2- and 3-year-old kids to wear masks. My daughter works in a day care with that exact age group of kids and she said they pull the masks off relentlessly. There's no way you could spend all your time trying to get these masks on the kids. They'll have a cold, sniffles, pretty soon the mask is full of all kinds of stuff. But, that's the most important thing apparently here—at least on the Democratic side of the aisle—is to force 2- and 3-year-old kids, even though studies show they are not heavily impacted by COVID-19 nor do they easily pass it on. It doesn't matter. To me it seems like that's a political issue.

But what's not a political issue—I was just listening to the congressional questioning of Dr. Fauci and others yesterday by the U.S. Senate and one of the Democratic Senators said that Dr. Fauci, are you aware that \$850 million that the Legislature had dedicated for producing vaccine testing was diverted to the southern border because you have all these unaccompanied minors now coming across, primarily through the cartels, and it's taking all the resources of the border patrol—even though it wasn't intended that way, it was intended to be testing for the American people—you diverted it? He also diverted another \$850 million from the testing stockpile that was supposed to be going out there across communities that cannot get testing. But the important thing is mandating these 2- and 4-year-old kids to have to wear a mask, but nothing about the \$850 million for testing and the \$850 million on testing stockpile gone because it was sent to the southern border which is absolutely out of control, but at least we can be happy about one thing. The Biden administration has allowed two million people to cross over the border, many of them from countries that want to do us harm; another 500,000-plus getaways—that means they send the kids first and then the cartels send these guys running into the United States so they can do the country harm. By the way, the Biden administration spokesman was very happy to say, No, we don't test them. They don't have to have vaccines, they don't have to have masks, they don't have anything, we just disperse them and the largest nation super-spreader we've ever seen in this nation by the Biden administration. I hear nothing out of the Democrats talking about this fiasco, this horrible fiasco, that's causing massive shutdowns and is going to cause a lot of death.

Senator Lauwers moved that when the Senate adjourns today, it stand adjourned until Tuesday, January 18, at 10:00 a.m.

The motion prevailed.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, December 29, 2021 and are available on the Michigan Legislature website:

House Bill Nos. 5659 5660 5661 5662 5663

Scheduled Meetings

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

Oversight and House Oversight – Thursday, January 13, 10:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building(517) 373-5312

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 1:14 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, January 18, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

