

No. 18
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Wednesday, March 3, 2021.

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
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
MacDonald—present
McBroom—present
McCann—present
McMorrow—excused
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

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

Lord, we come to You today to bless the work of this honorable body and to direct our thoughts through You that we will honor Your teachings. I pray for those that are in need, that are hurting in mind or body, and for those that will go to their side in loving care and love mankind.

While I know this is the best life we have, I ask for Your loving hand to guide us in understanding, acceptance, and tolerance. As our schools begin to reopen for the education of our youth, I pray You take the journey with them and their teachers so that they can be the best they can, becoming the next generation of doctors, carpenters, farmers, and leaders. I pray for mothers and fathers, that they will give lasting love in the home and for their children to feel and know they are loved. O Lord, I ask that You lay Your hand on the shoulders of our military, first responders, and medical professionals as they in turn lay their hands on those in need.

Make us an instrument of Your peace. Where there is hatred, give us strength to love. Where there is doubt, give us faith. Where there is despair, allow hope to find peace. Where there are shadows, let God's light shine. Lord, I trust in You and ask for Your guidance as we serve you and our communities. I pray for peace among the nations and peace in our hearts through Your Son Jesus Christ.

Amen.

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

Motions and Communications

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

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

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:04 a.m.

10:44 a.m.

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

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

Messages from the Governor

The following message from the Governor was received:

Date: March 2, 2021
Time: 12:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 30 (Public Act No. 1), being

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2083) by adding section 1070a.

(Filed with the Secretary of State on March 2, 2021, at 2:19 p.m.)

Respectfully,
Gretchen Whitmer
Governor

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator McBroom 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 bill:

Senate Bill No. 11, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 5b and 5l (MCL 28.425b and 28.425l), as amended by 2017 PA 95.

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:

Senate Bill No. 118, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 163 (MCL 388.1763), as amended by 2020 PA 165.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Barrett, Theis, Johnson, Victory, Wojno, Outman, Hollier, Alexander, Bullock, Hertel, McCann, Bumstead, Ananich, Moss, Brinks, Irwin, Horn, LaSata, McBroom, Santana, Bizon, Zorn, MacDonald, Lauwers, Bayer, Daley, Stamas, Geiss, Chang, Polehanki, Nesbitt, Schmidt and VanderWall offered the following resolution:

Senate Resolution No. 21.

A resolution to call on the National Guard Bureau to immediately end the food contract for the 1,000 Michigan National Guard service members currently deployed to Washington, D.C., and provide a per diem food allowance backdated to the start of mobilization.

Whereas, Members of the Michigan National Guard make tremendous personal sacrifice on behalf of our state and our nation to provide protection and security whether their duty keeps them in Michigan or takes them out-of-state or out-of-country. Guard members leave their families and regular employment to serve our country; and

Whereas, Michigan National Guard members are currently deployed at the nation’s Capitol in Washington, D.C., providing security and supporting civilian law enforcement protecting our democracy and members of Congress; and

Whereas, The food provided to our Guard members has been unsafe and insufficient. Members are reporting that meat served with lunch and dinner is almost always undercooked. Further, food sits in packaging for hours before reaching the troops. Many guard members are using their own money to purchase meals, a situation that is inappropriate when in the service of their country; and

Whereas, The current situation is completely unacceptable. Michigan’s National Guard members deserve to receive the basic human need of safe and sufficient food while protecting our nation’s Capitol; now, therefore, be it

Resolved by the Senate, That we call on the National Guard Bureau to immediately end the food contract for the 1,000 Michigan National Guard service members currently deployed to Washington, D.C., and provide a per diem food allowance backdated to the start of mobilization; and be it further

Resolved, That copies of this resolution be transmitted to the Chief of the National Guard Bureau and to the Adjutant General and Director of the Michigan Department of Military and Veterans Affairs.

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

Senator Lauwers moved that the rule be suspended.

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

The resolution was adopted.

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

The motion prevailed.

Senator Barrett's statement is as follows:

I appreciate the care and attention by everyone in this chamber. This resolution I drafted yesterday, and by yesterday afternoon we had virtually every single member of this body co-sponsor this resolution to give a clear message to the National Guard leadership in Washington, D.C. that the conditions on the ground of our service members is completely and totally unacceptable.

For weeks, we have had 1,000 Michigan National Guard soldiers on assignment in Washington, D.C. at our nation's Capitol. Several weeks ago we heard reports of food that was served raw or undercooked, meals that were left for hours before they were served—they were prepared hours ahead of time and left out, and then served much later—and the troops were complaining about meals that were completely and totally inedible. I'll admit to you, when I first heard that troops were complaining about chow, I thought it was another day in the Army, but these complaints have actually risen much higher than that. I was telling the members of my caucus a moment ago that there is a triangle of morale in the Army, and those three factors are pay, mail, and food. We can control those three things to enhance and improve the morale of the troops. The food is completely unsafe and inedible. It's been raw and undercooked more than once. We were assured several weeks ago that this issue had been addressed and was fixed.

I appreciate the efforts of the leadership of the Guard and the Governor to communicate with the Secretary of the Army the concerns that we had. We were promised that this was corrected, and then on Sunday we saw that unfortunately our troops were served raw hamburgers again and another one of my colleagues showed me a picture of someone who found shards of metal in their food. Members of Congress who are in Washington, D.C. represent the most elite members of our society, and I have never in my life heard of a Member of Congress being served raw meat in D.C. before. Our troops shouldn't be left to suffer under this type of treatment. We ought to be treating them with the respect and dignity that they deserve and we ought to be back-paying them for the out-of-pocket expenses for the meals they've had to purchase and we ought to give them a meal stipend each and every day they're on duty.

I want to also add that I'm grateful to the Governor to bring home our troops next week. I think this is long past overdue at this point. Their mission is complete, and it's time to welcome them back home.

Senators Theis, Barrett, Victory, Daley, Bumstead, Bizon, Zorn, MacDonald, Runestad, Horn, Shirkey, VanderWall, LaSata, Lauwers, Nesbitt, Outman, McBroom, Johnson and Schmidt offered the following resolution:

Senate Resolution No. 22.

A resolution to firmly affirm support for the preservation of the Second Amendment and to express the sense of the Senate regarding federal laws that infringe on the right to bear arms.

Whereas, The Michigan Senate is firmly resolved to support and defend the *Constitution of the United States* against every aggression, either foreign or domestic. The Michigan Senate is duty-bound to watch over and oppose every infraction of those principles which constitute the basis of the union of the states because only a faithful observance of these principles can secure the nation's existence and the public happiness; and

Whereas, Acting through the *Constitution of the United States*, the people of the states created the federal government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs; and

Whereas, The limitation of the federal government's power is affirmed under the Tenth Amendment to the *Constitution of the United States*, which defines the total scope of federal power as being that which has been delegated by the people of the states to the federal government, and all power not delegated to the federal government in the *Constitution of the United States* is reserved to the states respectively, or to the people themselves; and

Whereas, Federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the borders of Michigan exceed the powers granted to the federal government, except to the extent that they are necessary and proper for the government and regulation of the land and naval forces of the United States or for organizing, arming, and disciplining militia forces actively employed in the service of the United States Armed Forces; and

Whereas, Article I, Section 8 of the *Constitution of the United States* provides the federal government with the power to regulate commerce. However, this provision only empowers the government to regulate commerce between states and cannot be used to impose regulations on firearms beyond this scope or that are at cross-purposes with the Second Amendment; and

Whereas, The people of the states have also given Congress the "Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defence and general Welfare of the United States" and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by This Constitution in the Government of the United States, or in any Department or Officer thereof." These constitutional provisions merely identify the means by which the federal government may execute its limited powers and should not be construed to give unlimited powers. Doing so would destroy the balance of power between the federal government and the state governments. We deny any claim that the taxing and spending powers of Congress can be used to diminish in any way the people's right to keep and bear arms; and

Whereas, The people of Michigan have vested the Michigan Legislature with the authority to regulate the manufacture, possession, exchange, and use of firearms within this state's borders, subject only to the limits imposed by the Second Amendment to the *Constitution of the United States* and the *Constitution of the State of Michigan of 1963*; now therefore be it

Resolved by the Senate, That we firmly affirm our support for the preservation of the Second Amendment; and be it further

Resolved, That we express the sense of the Senate that all federal acts, laws, orders, rules, and regulations, whether past, present, or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the *Constitution of the United States* and Article I, Section 6 of the *Constitution of the State of Michigan of 1963* are specifically rejected by this legislative body, should be considered invalid in this state, should not be recognized by this state, and should be considered null and void and of no effect in this state; and be it further

Resolved, That such federal acts, laws, orders, rules, and regulations include, but are not limited to, the provisions of the federal Gun Control Act of 1934; the federal Gun Control Act of 1968; any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services which impose undue burdens on the purchase or ownership of those items by law-abiding citizens; any registering or tracking of firearms, firearm accessories, or ammunition which could suppress the purchase or ownership of those items by law-abiding citizens; any registering or tracking of the owners of firearms, firearm accessories, or ammunition which could discourage the purchase or ownership of those items by law-abiding citizens; any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by law-abiding citizens; any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens; and be it further

Resolved, That we express the sense of the Senate that it is the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state from infringements on the right to bear arms.

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 Chang 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. 39

Yeas—20

Barrett
Bizon

Johnson
LaSata

Nesbitt
Outman

Stamas
Theis

Bumstead
Daley
Horn

Lauwers
MacDonald
McBroom

Runestad
Schmidt
Shirkey

VanderWall
Victory
Zorn

Nays—15

Alexander
Ananich
Bayer
Brinks

Bullock
Chang
Geiss
Hertel

Hollier
Irwin
McCann
Moss

Polehanki
Santana
Wojno

Excused—1

McMorrow

Not Voting—0

In The Chair: President

Protests

Senators Geiss, Santana, Hollier, Bullock, Ananich, Hertel, Bayer, Wojno, Polehanki, Moss, Chang, Brinks and Alexander, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 22.

Senators Geiss, Polehanki and Moss moved that the statements they made during the discussion of the resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator Geiss’ statement, in which Senators Santana, Hollier, Bullock, Ananich, Hertel, Bayer and Wojno concurred, is as follows:

Mr. President, through you to the people listening, I am asking that every member of the Capitol press corps take ten minutes to read this insurrectionist resolution that the Michigan Senate is about to vote on today.

Colleagues, this resolution is four pages of dark, insurrection-laden language and militia support, which challenges the laws of this land. A resolution that says, “If we don’t like the laws, we’ll meet you at the Michigan border with our guns.” It’s incredible how fast you’ll do anything to protect your guns. Is that where you find the masculinity that was allegedly stolen from you? Because the last we checked, no one—literally no one—is coming for your guns, your ammunition, or your accessories.

It’s incredible how you have the audacity, in this chamber, to choose not to take up resolutions denouncing the January 6 insurrection, condemning racism, or to honor those who have died from COVID-19. We had rioters in this space up there hovering over us with firearms literally telling us, “We’re here to make sure you vote right,” on April 30, 2020, a day that has gone down in international infamy. Nothing—nothing meaningful—was done to address that. It’s incredible how clear and crass Senate Resolution No. 22 is, and it illustrates how much you value your bullets over people dead from this pandemic—bodies that had to be buried or cremated in part because of this body’s inaction and cavalier attitude about the pandemic. So much for pro-life, huh?

Folks, we were sent here to help people, and this resolution does nothing to help people. It doesn’t give food to the hungry or provide shelter for the homeless. It just isn’t helping. You know, it actually reminds me of a memorable scene from “All in the Family,” for those of you old enough to remember it, when Gloria asks Archie if he knew that 60 percent of all deaths in America are caused by guns. And those were the statistics from the 70s. Archie’s response to Gloria? Teddy Roosevelt should have kept Eleanor home, so she never discovered the colored people, because when she did, she told them they were getting the short end of the stick and we’ve “been having trouble ever since.” This resolution is your Archie going after Eleanor.

This resolution makes it clear that your bible-thumping, constitution-loving, gun-toting values seem to know no bounds to the right-wing's hysteria, including that of federal law. How dare you. More than 15,000 Michiganders are dead from COVID-19, yet you want to talk guns. More than 590,000 Michiganders have tested positive for COVID-19 and we can't seem to release all the federal dollars available to us to help them and their families, but we're sitting here talking about guns. We are nearly a year into this global pandemic in which more Americans have perished from COVID-19 than on the battlefields of World War I, World War II, and the Vietnam War combined, but we want to talk guns. This resolution is a monumental low and an embarrassment to the state of Michigan.

We don't need a resolution to reaffirm your right to bear arms. It already exists in the Second Amendment, which its first 13 words are, "A well regulated Militia, being necessary to the security of a free State." Well regulated. Not this willy-nilly, dystopian free-for-all you're trying to invoke. And since we're talking about constitutional amendments, this resolution is focused on the Second Amendment, it references the Tenth Amendment on page two, lines 7-8. But it should be noted that the Fourteenth Amendment seems to be conveniently ignored around here. Let me draw your attention to the Fourteenth Amendment, specifically section 3. It reads

No Person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

What we need—what this state needs, what the people of this state need—is for you to find your way back from whatever path y'all are lost on right now and get back to work on the issues that matter most and that make a difference to the people of Michigan. Colleagues, this resolution is shameful, it's disgraceful, and it does not represent who we are as a body or the responsibilities that we are charged with doing here. I ask that you not support this resolution.

Senator Polehanki's statement is as follows:

Let me get this straight—a resolution firmly affirming support for guns gets a vote today, but my nonpartisan resolution from last week designating a COVID-19 Victims and Survivors Memorial Day for 15,000 dead Michiganders is shuffled off to committee to die? Are you serious? To the majority party, I'm looking at you. Are you that entrenched in partisanship that you've lost your humanity?

Senator Moss' statement, in which Senators Chang, Brinks and Alexander concurred, is as follows:

I'm extraordinarily frustrated too and a resolution coming from the Senate to express support of one of our constitutional amendments seems fine, but this particular resolution doesn't exist in a vacuum. It lacks all of the context for why this resolution was brought forward. You can't just say you support the Second Amendment here in this chamber without taking into account all of the days and weeks and months that members of this chamber have suffered through up until now. There's a line in this resolution that says, "The Michigan Senate is firmly resolved to support and defend the *Constitution of the United States* against every aggression, either foreign or domestic."—"The Michigan Senate is firmly resolved to support and defend the *Constitution*...against every aggression, either foreign or domestic." That's patently false.

The last several months here, there has not been an attempt by the majority of this chamber to protect many of us from aggression, from domestic aggression. When you go to the Gallery to pal around with gunmen during the height of an armed mob in our building and those men are later charged with a plot to overthrow this government and create mass death in this building, you are not defending the Constitution "against every aggression, either foreign or domestic." When you invite them to your office to coach them on their messaging and help them out in delivering their goals, you are not defending the Constitution "against every aggression, either foreign or domestic."

And yes, when you sign a letter perpetuating this big lie that there was voter fraud here in the state of Michigan so pervasive that perhaps our election results were inaccurate on the eve of an actual insurrection at the U.S. Capitol, despite the fact that all 83 counties submitted their canvassing results unblemished to the Board of State Canvassers, despite the fact that the Board of State Canvassers approved of those reports, despite the fact that we've had endless Oversight Committee meetings in the House and the Senate, some of them a circus, that have found no credible claims that there was criminal activity in this election and despite the fact that just yesterday, the Secretary of State released the results of the audit affirming so. When you sign that letter, you are not supporting or defending the Constitution "against every aggression, either foreign or domestic."

I'm angry about this right now, because when people outside this building gather and threaten our lives in this chamber, especially in a way that promotes anti-Semitism and anti-Jewish talk and behaviors, there's just one bullet they need to find the Jewish Senator to achieve their goals in this chamber. I'm not protected here by the actions of this Senate by ignoring those real threats that many of us face every day on the Senate floor. So, no, I'm not supporting this resolution because the thesis of it is blatantly false.

Senators Theis, McBroom and Geiss asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Theis' statement is as follows:

I am extraordinarily frustrated right now with the use of the word 'insurrection' and commentary about things that our Founding Fathers vested us with the God-given right to protect ourselves. We're going to call this insurrection to uphold that? Our Second Amendment rights not only exist in the U.S. Constitution, they exist in our State Constitution as well, and there's a reason. Throughout history, disarming the population has been one of the major tyrannical issues that has caused problems for the people and government throughout time. Our Founding Fathers knew that this was going to be a problem.

We have seen more tyranny in government in the last year than we have seen in an extraordinarily long time, and we know in history it's very uncommon for government to give their tyranny back up once they've taken it. We also see significant threats to our Second Amendment rights and yes, nearly everybody in Michigan who owns a gun wants to protect that right. There are probably significant numbers of people in Michigan who don't own guns who also think that's a right that should be protected. Whether they're using it to protect themselves or using it to hunt and provide food for their families, their Second Amendment rights are among the most basic rights in our country. I ask for a "yes" vote on this resolution.

Senator McBroom's statement is as follows:

I don't usually speak on gun-related issues—it's not necessarily my bailiwick of issues, much to the chagrin of some of my supporters who wish it was at the top of my list and for those who wish it was at the bottom. For me, it is an issue that I think we need to have a calmer discussion on, because there's obviously so much passion and strength of opinion about it.

I felt it was necessary to speak today just because, as my good friend the Senator from the 11th District spoke, the context is important and one of the earlier speakers said, and as the Senator from the 11th District said, things don't happen in a vacuum. I respect that and I respect that we should all be considering some of those points that were just brought up, but we also need to recognize there are other contexts and things are not in a vacuum either when you talk about those who would attack Second Amendment rights, when during the last presidential election, numerous candidates including the one who eventually won the election spoke specifically to how they wished to take away people's guns, spoke to how they are coming after people's guns and rights to own certain firearms, how we see legislation introduced again and again, year after year, term after term, that offer very non-specific, generalized terminologies as if there were any meaning to them, and then can be construed broadly as an attack on all firearms. Let's get rid of assault guns, but there is no said definition for what an assault weapon is. Let's get rid of big magazines, but there's no definitions given. Then, when you start to drill down into these bills and you look at the details, suddenly you're seeing a hunting rifle that's in my own gun cabinet would be illegal.

This inability of our society right now on this gun issue to actually talk to the issue and instead talk past each other all the time leads to this incredible lack of understanding and feelings that are driving one movement to say we need to stand and defend this right, it's under attack—because yes, there are people attacking it—while another group says we need to do something because there are people who are scaring us, there are people who are threatening us—and they have a legitimate point and a story to make too. I guess I read this resolution and I don't see this resolution as being that attack or supporting those kinds of intimidation tactics or other things. I see this resolution as standing against those who have and are actively at this moment in the Congress trying to limit the Second Amendment rights of people, and that's why I'll be supporting this resolution.

Senator Geiss' statement is as follows:

I want to clear up a couple of things. It has been widely fact-checked that the current President never said he was taking away anyone's guns. It's false. To believe that is to continue believing a whole bunch of lies and conspiracy theories. It was never said. In fact, nobody who is in support of regulating firearms—as the Second Amendment says in its first 13 words—wants to randomly take people's guns away. This resolution is ridiculous. There's already an amendment that discusses the right to bear arms. It is unnecessary, and to

remind the Senator from the 22nd District who wants to get all weepy and nostalgic about the Founding Fathers, there’s a whole bunch of us serving right now who the Founding Fathers wouldn’t have wanted in this chamber, or any other for that matter. Lose the halcyon days and beautiful memories of what the Founding Fathers wanted because 11 of us in here with two X chromosomes wouldn’t be here. Six of us who are people of color—who are visibly people of color—six, wouldn’t be here. Talking about the Founding Fathers in that manner is also misguided.

Senator Shirkey offered the following resolution:

Senate Resolution No. 23.

A resolution to grant the Senate Standing Committee on Education and Career Readiness and the Senate Standing Committee on Oversight the power to subpoena state records and files.

Whereas, Full access to accurate information is essential for sound decision making by any public or private body; and

Whereas, Standing committees of the Senate, including the Senate Standing Committee on Education and Career Readiness and the Senate Standing Committee on Oversight, may be granted the power to subpoena state records and files. Section 1 of 1952 PA 46, MCL 4.541, provides, in part, that:

...any standing or select committee of the senate or the house of representatives, and any joint select committee of the senate and house of representatives, shall be authorized to subpoena and have produced before any such committee, or inspect the records and files of any state department, board, institution or agency; and it shall be the duty of any state department, board, institution or agency to produce before the committee as required by the subpoena, or permit the members of any such committee to inspect its records and files.

; and

Whereas, Pursuant to Rule 2.102 of the Standing Rules of the Senate, the authority for a committee to issue subpoenas shall be granted by resolution; now, therefore, be it

Resolved by the Senate, That, pursuant to MCL 4.541 and Rule 2.102 of the Standing Rules of the Senate, we hereby grant the Senate Standing Committee on Education and Career Readiness and the Senate Standing Committee on Oversight the power to subpoena state records and files.

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 question being on the motion to suspend the rule,

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

The question being on the adoption of the resolution,

Senator Chang 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. 40

Yeas—20

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

Nays—15

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

Excused—1

McMorrow

Not Voting—0

In The Chair: President

Introduction and Referral of Bills

Senators Hertel, Hollier, Geiss, Ananich, Moss, Bullock, Bayer, Wojno, Brinks, Alexander and Irwin introduced

Senate Bill No. 196, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 3 and 26 (MCL 169.203 and 169.226), section 3 as amended by 2017 PA 119 and section 26 as amended by 2019 PA 93.

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

Senators Bayer, Chang, Ananich, Moss and Wojno introduced

Senate Bill No. 197, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” (MCL 710.21 to 712B.41) by adding section 23h to chapter X.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors, and Veterans.

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

Senate Bill No. 198, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2014 PA 17.

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

House Bill No. 4043, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 151 (MCL 330.1151), as added by 2018 PA 658.

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

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

House Bill No. 4044, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 165 (MCL 330.1165), as added by 2020 PA 12.

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

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

House Bill No. 4067, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16605 and 16608 (MCL 333.16605 and 333.16608), section 16605 as amended by 2018 PA 463 and section 16608 as amended by 2002 PA 643.

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

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

Statements

Senators Horn, Polehanki, Wojno, McBroom, LaSata and Ananich asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Horn's statement is as follows:

I wanted to take a moment to read a message I received from a business owner in my district.

Dear Ken,

Thank you for always responding to me when I have questions. Senator, in 12 days my catering and banquet business will be closed for exactly 1 year. No income and loss of business is killing me. I have been spending out my retirement money and some small PPP money to hang on, but I can't go much longer. It seems to me we have many problems with our Michigan Department of Health and Human Services as I see another person has left without any reason. I don't understand when our Governor cuts deals with them. They get paid while I have employees that aren't even getting unemployment and are hurting bad, ready to lose their homes.

COVID numbers are down, we are adults here and responsible for our own actions and lives. I understand we have a pandemic but we'll do our part to keep it under control. Senator I have to open even if I go to jail or they take my businesses, they can have it and I'd be left to live off the system. Please, please help us people who are just needing to get to back to work.

Thank you, Ken, and God bless you.

P.S., I hope the Governor can feel the heartbreak we small family businesses are feeling and join me in asking the Governor to allow our brides and families to confidently plan out their wedding celebrations.

Senator Polehanki's statement is as follows:

Today I introduced a bill that's part of a package to pause the punitive use of standardized testing data here in Michigan. Our students and educators have faced an unprecedented and exhausting school year due to the COVID-19 pandemic and should not be punished for circumstances that are out of their control.

My bill—Senate Bill No. 199—would eliminate the grade retention piece of Michigan's 3rd grade reading law which is to be implemented for the first time this year. In short, thousands of 3rd grade students in Michigan can be legally flunked—during the pandemic—based on scores on one standardized test they take this spring, and that's the M-STEP. This is wrong; in fact, it's more than wrong, it's unconscionable after all the uncertainty and mental stress they've endured this past year. The retention piece of this law—the flunking, the legal flunking of Michigan's 3rd graders—was misguided before the pandemic as study after study shows that grade retention is not an effective way to improve kids' reading. Before the pandemic, it was misguided; now, it's just plain cruel.

It is important that my bill—Senate Bill No. 199—quickly receive a hearing before masses of Michigan's 3rd grade students are flunked during the pandemic.

Senator Wojno's statement is as follows:

I too rise to give my support to this legislative package introduced today to pause standardized testing, evaluations, and the assignments of letter grades to this school year. Our students and teachers have been dealing with an unprecedented and exhausting academic year due to the COVID-19 pandemic. School administrators have also worked hard throughout the pandemic to ensure students get a quality education and that teachers have the resources they need to be successful. Instead of assigning grades, we should be focused on getting students and teachers the support they need, not further penalizing them during such

extraordinary and challenging times. This bill and the rest of the package is part of an important step toward reassuring our students, our teachers, their families, and local communities that we are acutely aware of the pressure and strains this pandemic has put on our education system.

Pausing the letter grade assignments this year is the fair and the right thing to do, and I encourage my colleagues to support this legislation.

Senator McBroom's statement is as follows:

Mr. President, I have really no ability to stand here and claim that there isn't a time when I have to tone down my own rhetoric, but in the statement I made earlier today on the adoption of Senate Resolution No. 22, I was trying to make an appeal that we have a calmer debate and a debate based on facts and real understanding of the issues.

I just feel it's necessary to get up and confront what followed my statement in regards to a statement that just recently—a few days ago—came out from this presidential administration which said, "Today, I am calling on Congress to enact commonsense gun law reforms, including requiring background checks on all gun sales, banning assault weapons and high-capacity magazines, and eliminating immunity for gun manufacturers."

As I tried to point out in my speech, can make very broad statements about this—let's do this; let's call something, the media particularly, likes to find some buzzword or catchphrase about something, in this case about a firearm, this is an assault weapon—but they don't have a definition of those and when the bills come out and you read those bills and you start to dig into what's going to be considered an assault weapon, that's where the devil in the details lies, and that's why citizens repeatedly feel confronted by these issues, that this is an attempt to take away their rights because the language is not used precisely, then the bills themselves are written in very precise ways that show a complete lack of understanding about how firearms work. We hear this again and again from politicians who advocate for these policies, who get up and talk about ratcheting magazines or misunderstand the terminologies, just demonstrating that they don't really understand everything about this but yet they want to regulate it.

The policy discussion needs to happen. We need to have a calm discussion about these things and not allow misinformation to occur. That's what I'm trying to say here, that this is the position of the administration. There were candidates during the debates who made those statements, including the eventual victor, about limitations, about confiscation, about coming after them. Again, I wanted to clear that record up.

Senator LaSata's statement is as follows:

In a floor speech yesterday, my district was mentioned, so I'm here to address that. Some of you may remember two years ago, one of Governor Gretchen Whitmer's first priorities after taking office was to close Benton Harbor High School or dissolve the entire underperforming and deep-in-debt district. Right now in Benton Harbor what students need most is to be back in the classroom as soon as possible. Benton Harbor High School students have been 100 percent virtual since March 2020. We know that virtual learning affects students not only academically, but socially and emotionally. I know this firsthand, as a former teacher and a parent of two high school students. A recent survey of parents and teachers in Benton Harbor found that 60 percent want to continue 100 percent remote learning, while 80 percent of high school students surveyed want to return to at least some face-to-face instruction. I'm thankful that Benton Harbor High School students will be able to return to in-person instruction on March 22 if they want to. However, just like the Governor's recent orders were much too late for some businesses and families wanting to visit their loved ones in nursing homes, March 22 is much too late for these kids. Regarding equitable funding mentioned by my colleague, Benton Harbor Charter School Academy and Benton Harbor Area Schools are the second and third highest recipients of state and federal aid per pupil of the 31 school districts I represent.

Senator Ananich's statement is as follows:

Many of you yesterday may have seen the news the President announced that instead of July, there should be enough vaccines for adults by the end of May. I sincerely hope we reach that goal, but the efforts of him and the federal government for the first time, we've actually seen leadership coming out of Washington. Unfortunately, Republicans in this chamber will be the ones obstructing access to vaccines and vaccinating Michiganders if they continue to hold back federal money. Make no mistake, their actions are nothing more than standing in opposition to the Governor. If they truly cared about the citizens, we would have voted to release all the federal funds this week.

Last night when I was home to take the dog for a walk, I talk to many of you—both sides of the aisle, even the executive branch—while I walk my dog, that's the time I have free. I called a friend of mine to check in and I said to him, Hey, we released some federal dollars today to get some more money to schools and things like that I know folks have been waiting for. I said, We did do this sort of arbitrary 20 hours limitation on

in-person classroom being offered. He's a teacher; he teaches developmentally disabled children. He said, What about if we're open three days a week and we teach six-and-a-half hours? You're going to punish our school district for 19-and-a-half hours? I said, I know. These are the kinds of questions you would logically ask before you do something so arbitrary, but that's not what we do here. He said, I've got to tell you something. This is an anecdote, and I know we don't govern by anecdote or we shouldn't, but I think it's important to note. He said, I have a student in my class whose mother was unable to take care of her, so her grandmother is taking care of her. Her father passed away recently unexpectedly and this grandmother is in the hospital, so my friend took the student home with him because they had nothing else they could do. He says, This is the stuff you're focusing on? This is the way you're calling us heroes, by putting silly little strings on federal dollars to get into our classrooms so we can actually educate these kids?

There's been a lot of talk obviously about the way we determine vaccines, the distribution of vaccines, the implementation of vaccines, whether we had SVI or any other method, when you hold up vaccination dollars, you are the ones slowing getting our kids back in the classrooms. You are the ones slowing us getting back to real life. I just wanted to make sure I pass along this story because he was frustrated and he has no one he can talk to about it. Fortunately, I do. I did vote for the supplemental and I will continue to vote for the release of federal dollars that are being held up by this Republican majority.

Announcements of Printing and Enrollment

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

House Bill Nos. 4043 4044 4067

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

Senate Bill Nos. 192 193 194 195

**House Bill Nos. 4378 4379 4380 4381 4382 4383 4384 4385 4386 4387 4388 4389 4390
4391 4392 4393 4394 4395 4396 4397 4398 4399 4400 4401 4402 4403
4404 4405 4406 4407 4408 4409 4410 4411 4412 4413 4414 4415 4416
4417 4418 4419 4420 4421 4422**

Scheduled Meetings

Advice and Consent – Thursday, March 4, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5314

Agriculture and House Agriculture – Thursday, March 4, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Appropriations –

Subcommittees –

Agriculture and Rural Development – Thursday, March 4, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Wednesday, March 10, 11:30 a.m. or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education – Thursday, March 4, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Labor and Economic Opportunity/MEDC – Tuesdays, March 9, March 16, and March 23, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

Military and Veterans Affairs/State Police – Thursday, March 4, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Thursday, March 4, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Economic and Small Business Development – Thursday, March 4, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721 (CANCELLED)

Energy and Technology – Tuesday, March 9, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Health Policy and Human Services – Thursday, March 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Judiciary and Public Safety – Thursday, March 4, 9:05 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 11:36 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, March 4, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate