

No. 18
STATE OF MICHIGAN
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REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, February 21, 2023.

10:00 a.m.

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

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

Albert—present
Anthony—present
Bayer—present
Bellino—present
Brinks—present
Bumstead—present
Camilleri—present
Cavanagh—present
Chang—present
Cherry—present
Daley—present
Damoose—present
Geiss—present

Hauck—present
Hertel—present
Hoitenga—present
Huizenga—present
Irwin—present
Johnson—present
Klinefelt—present
Lauwers—present
Lindsey—present
McBroom—present
McCann—present
McDonald Rivet—present
McMorrow—present

Moss—present
Nesbitt—present
Outman—present
Polehanki—present
Runestad—present
Santana—present
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator Sean McCann of the 19th District offered the following invocation:

May love and laughter light your days, and warm your heart and home.
 May good and faithful friends be yours, wherever you may roam.
 May peace and plenty bless your world with joy that long endures.
 May all life's passing seasons bring the best to you and yours!

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

The Assistant President pro tempore, Senator Geiss, assumed the Chair.

Senator Johnson entered the Senate Chamber.

Motions and Communications

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Moss introduced

Senate Bill No. 87, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 234 (MCL 257.234), as amended by 2002 PA 552.

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

Senators Santana, Cherry, Geiss, Chang, Shink, Wojno, Bayer, McMorrow, Polehanki, Outman, McDonald Rivet, Victory, Bellino, Camilleri, Cavanagh, Webber and Daley introduced

Senate Bill No. 88, 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 2022 PA 208, and by adding sections 3i, 3j, 3k, and 3l.

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

Senators Cherry, Santana, Geiss, Chang, Shink, Wojno, Bayer, McMorrow, Polehanki, Outman, McDonald Rivet, Victory, Bellino, Camilleri, Cavanagh, Webber and Daley introduced

Senate Bill No. 89, entitled

A bill to create a program to assist certain child care centers and schools with the acquisition, installation, and maintenance of certain filtered water stations and faucets; to provide for the sampling and testing of water from certain water outlets; to create certain funds; and to provide for the duties of certain state departments and officers.

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

Senators Anthony, Geiss, Santana, Cavanagh, McCann, McDonald Rivet, Shink, Klinefelt, Hertel, Chang, Wojno, McMorrow, Cherry, Bayer, Moss and Polehanki introduced

Senate Bill No. 90, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 103 (MCL 37.2103), as amended by 1999 PA 202.

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

Senator Anthony introduced
Senate Bill No. 91, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2023; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Anthony introduced
Senate Bill No. 92, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 236 as amended by 2022 PA 212, section 17b as amended by 2007 PA 137, and section 201 as amended by 2022 PA 144.

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

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:56 a.m.

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

During the recess, Senator Hoytenga entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Resolutions

Senate Resolution No. 10.

A resolution to urge the United States House of Representatives not to take up H.R. 25 of 2023 or otherwise impose a national sales tax.

(This resolution was offered on Thursday, February 16, rules suspended and consideration postponed. See Senate Journal No. 17, p. 212.)

The question being on the adoption of the resolution,
Senator Singh 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. 25

Yeas—23

Anthony	Cherry	Klinefelt	Santana
Bayer	Geiss	McCann	Shink
Brinks	Hertel	McDonald Rivet	Singh
Camilleri	Huizenga	McMorrow	Webber
Cavanagh	Irwin	Moss	Wojno
Chang	Johnson	Polehanki	

Nays—15

Albert	Damoose	Lindsey	Runestad
Bellino	Hauck	McBroom	Theis
Bumstead	Hoytenga	Nesbitt	Victory
Daley	Lauwers	Outman	

Excused—0

Not Voting—0

In The Chair: Geiss

Protest

Senator McBroom, under his constitutional right of protest (Art. 4, Sec. 18) protested against the adoption of Senate Resolution No. 10 and moved that the statement he made during the discussion of the resolution be printed as his reasons for voting “no.”

The motion prevailed.

Senator McBroom’s statement is as follows:

I speak in opposition to Senate Resolution No. 10. The resolution is fundamentally flawed, just as the recent words against what’s being proposed are, in that it really is selective in its narrative as to what is being proposed. This is pretty typical of the discussion surrounding a sales tax—a fair tax—whatever terminology you’d like to use—in descriptions of it being regressive and in descriptions of how big the benefit would be for some and how harmful it would be to others. It necessarily leaves out a lot of the fundamental facts of how this would be done and how it would be implemented and how the regressive nature of any tax has to do with how it’s applied to fundamental and essential needs of the individual taxpayer.

The truth is, as long as you are exempting the fundamental needs—food, clothing, medicinal, and other purposes—the tax ceases in being regressive, it changes that impact. The fact is, poor people don’t buy million dollar yachts. People who are of low means aren’t buying BMWs. As long as we exempt the fundamentals, the tax is not regressive. Sales tax and use taxes are the most fair way of operating because they don’t punish people for saving money, they don’t penalize people for making money, and they don’t penalize people for being part of the system. Instead, it’s consumption based, and as long as you exempt out those fundamental needs that everyone has—food, medicines, clothing—the regressiveness goes away. What’s particularly laughable about the angst and handwringing that often accompanies these discussions about a fair tax is that they purposefully leave out these very relevant pieces of information in order to make this point. What’s also ironic at this point is that the speaker points out that this is helping very wealthy people in contrast to what they were just doing, which helps very, very wealthy people.

The elimination of—or the bringing back, I should say—the exemption on retirement incomes of a certain select class of people in this state is fundamentally directed at the most wealthy, as I gave in my speech in my “no” vote explanation at that time. I pointed out residents in my own district who grumbled about how the removal of the exemption was costing them \$6,000 a year because they had a pension from the age of 47—a pension of over \$130,000. At the time of that discussion we had here, we fundamentally ignored the low-income pension exemptions that have been there since the beginning and that many people on my side of the aisle have offered to raise to a higher level, but instead we’ve gone ahead and selected—once again—the highest class amongst us to get unlimited exemption. Yet, we are going to claim that this proposal is somehow fundamentally directed towards the wealthy? When it ignores the fact that it protects the lower class and fundamentally would be focused on the people buying BMWs, buying yachts, buying multi-million dollar homes and pieces of equipment? Why mislead folks this way? Why try to stymie a great discussion before it has even begun about the fundamental way we tax in this nation? A way that is obviously broken and not working.

Madam President, I know this is just a resolution and we’re just speaking the voice of this body, making a recommendation at the federal level, but I think it’s premature. I think the resolution itself leaves out too many details. It doesn’t go into the fundamentals without somehow purposely or inadvertently avoiding some of the complexities of what is being proposed. It oversimplifies it and leaves it out as a strawman in this debate, rather than recognizing that there is a fundamental problem with our current taxation system that ought to be discussed and ought to begin being discussed. Right now at the federal level they have shared power, so what are we afraid of for having the discussion? Now is the best time to have that discussion because it can’t just swing wildly to one sides’ advantage or the other. It’s time to talk about serious reform to the national income tax which has not been working well and is an incredibly arduous system. We pay tens of millions—if not billions—of dollars to implement the federal income tax. We just hired 800-some more IRS workers, where if we had a consumption based tax those would almost all go away. It would be incredibly simplified and incredibly less expensive. And now we are going to send a resolution saying, Don’t even talk about it? Stop right there where you’re at? That hardly seems wise nor fair. So I recommend a “no” vote.

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

The motion prevailed.

Senator Camilleri's statement is as follows:

Today I rise in support of Senate Resolution No. 10, my resolution urging Congress not to take up or pass H.R. 25, a bill that would institute a 30 percent national sales tax in an attempt to change the national budget and have a discussion around the debt ceiling. This regressive plan is just the latest attempt by Republicans at the national level to help the wealthiest and most well-connected among us.

As we continue to recover post-pandemic, now is the time to make changes more affordable for working families across our state and our country, but this proposal would not do that. If passed it would implement a sales tax of 30 percent on goods and services starting in 2025—30 percent—and just like any regressive tax, this would not affect all of us equally. Research on this topic has shown that a 30 percent national sales tax would increase taxes for households in the bottom 90 percent, while those in the top 1 percent would receive an average tax cut of \$75,000. This means it would be much harder for a minimum wage worker to afford rent, for a single mom to put food on the table, or for a senior to cover the basics that they need to survive.

I don't know about you, but I'm working for those families, those who are not the wealthiest, those who are working every day to make ends meet, because quite frankly those who are the wealthiest don't need our help. In a time when we're working hard to pass legislation that helps average Michiganders like expanding the working families tax credit and repealing the retirement tax, this type of proposal shows where our MAGA Republicans at the national level and their priorities are. This would harm millions of families across the state and around the country who are just trying to make ends meet. This is the time to cut taxes for regular people, not raise them. I urge my colleagues to vote "yes" on this resolution and stand against those who seek to raise taxes on working families.

Senator Irwin's statement is as follows:

I rise to talk more about this resolution because, I think, in contrast to what was just asserted on the floor there are a lot of us who do want to have this discussion. That's exactly why you see a resolution coming forward from this body to excoriate the people at the national level who think that a 30 percent national sales tax is a good idea. It's not a good idea, it's a terrible idea. It's economic malpractice and it's absolutely regressive, even when you consider exempting certain essentials, even if you consider a tax pre-bate for the lowest income people. It's still incredibly regressive.

Not only does this federal proposal from Republicans, which crystalizes the difference between Democrats and Republicans once again—not only is this proposal great for the wealthy and terrible for the poor among us, but this discussion has left out one other critical piece. The previous speaker talked about how much money would be saved by not having IRS agents checking on our income taxes, and I think that's a fair point, but what it ignores is that this resolution should be called the Black Market Promotion Act. Think about how this would change peoples' buying decisions if there was a 30-percent-and-rising federal sales tax added to our state and local sales taxes. Just think of how people would seek to avoid that tax through barter or through trade or through simple tax avoidance or tax evasion. This would create an epidemic of tax cheating. It would require an army of G-Men to be running around our country making sure that people were not avoiding this massive sales tax that Republicans at the national level are proposing. This is economic malpractice.

This will cause plummeting revenues which, by the way, the bill says will require the rate to keep rising and rising to chase those plummeting revenues. This will destroy consumer spending and as a result will destroy our economy, will cost massive job losses. This idea of reverting our entire tax reliance to sales tax and consumption is a recipe to destroy consumption—and look, as a big environmentalist, there are some aspects of this that I like. Our country is a little too focused on consumerism, so maybe there is a silver-lining there, but if we are serious about the ways that this will damage our economy, if we're serious about the ways that this would crush job growth in this country, then I think we have to be serious about sending Congress a strong message that a national sales tax blanketing every single sale in this country with a 30 percent tax is economic malpractice, it's a terrible idea and it's a recipe for economic ruin.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Geiss, designated Senator Chang as Chairperson.

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

Senate Bill No. 4, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 301, 302, 302a, 402, 501, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2301, 37.2302, 37.2302a, 37.2402, 37.2501, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, sections 103 and 301 as amended by 1999 PA 202, section 202 as amended by 2009 PA 190, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

The bill was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:

Office of Senator Paul Wojno

February 16, 2023

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 32 which was introduced on Thursday, January 12, 2023, by Senator Santana.

Warmest regards,
Paul Wojno
State Senator
10th District

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Bellino’s statement is as follows:

I’m here to ask the Senate Chamber who they think was the most influential Black person when it comes to American golf. Anybody have any ideas? I’ll give you a couple clues. It wasn’t Lee Elder, the first Black man to play in the Masters. He also was there for the first shot of the Masters on Thursday mornings for a couple years before he died—a very prestigious award. It wasn’t Charlie Sifford who won his last tournament in 1969 at the L.A. Open which happened last week. He won 22 other tournaments. It wasn’t Calvin Peete, Detroit’s own, who fell out of a tree at 12 years old and broke his arm. It wasn’t set correctly. He couldn’t straighten his right arm out but he was the straightest driver of the golf ball nine years in a row. He won 12 tournaments. It wasn’t Jim Thorpe with his 18 wins, or Jim Dent, or Ann Gregory who won 300 tournaments around the world, or Pete Brown, Ted Rhodes, who was a coach for the great Joe Louis. It wasn’t Bill Spiller; it wasn’t Bill Powell, the first Black man to build a golf course in America in East Canton. The course is called Clearview which is home for me on Thursday nights at 7 o’clock. It wasn’t his daughter Renee who is in the golf hall of fame. It wasn’t Tiger Woods, one of the four best golfers ever with his 107 victories around the world. And it wasn’t Ben Davis, the first Black golf professional in America at our own Rackham Golf Course outside of Detroit.

Who was it, you may ask? I’ll tell you. It was Joe Louis. Joe Louis, the boxer, the most influential Black golfer in America. Joe Louis, who stood up to the PGA and their Caucasian-only policy they had for 60-some years. When asked by the press, in the *New York Times*, Joe Louis said, “I want people to know what the PGA is. We’ve got another Hitler to get by.” When asked by the *Los Angeles Sentinel*, he said, “The last major sport in America where Negroes are barred is professional golf.” And in the *Los Angeles Times* he said, “It’s about time we brought this into the open.” Joe Louis used the rest of his life besides his other great works to push for Black people to be professional golfers in America, to be on the PGA Tour, to win great money like all the other people were. It took nine more years for the PGA Tour to change their Caucasian-only rule, but it happened. And when it happened, the first two sections that came out with their votes were Alabama and Louisiana and they were 100 percent for changing the rule.

It wasn't just African Americans who the PGA was prejudiced against. It was a great golfer in the '20s and '30s named Eugenio Saraceni. Short guy, d**o with a big nose, he wasn't welcome on the golf course. He changed his name to Gene Sarazen and he won nine majors.

Protest

Pursuant to rule 3.506, Senator Webber submitted his reasons, in writing, for voting "no" on the adoption of the first conference report to House Bill No. 4001 on February 16.

Senator Webber's statement is as follows:

Many of us were elected on a promise of reducing costs and taxes on Michiganders. They need the money back in their pockets as we enter uncertain economic times. This is why I voted "yes" on every tax reduction that has been presented in this chamber during this session. That is why I voted "yes" to expand the Earned Income Tax Credit and I voted "yes" for tax relief for those public employees collecting a pension.

However, politics is overtaking good policy from benefitting all Michiganders. In 2015, I voted "yes" on the bill to roll back the tax rate on all Michiganders if revenues exceeded a certain level. However, through political gamesmanship and maneuvering, that tax rate decrease for all, is at risk. This new package would stop that reduction for all and replace it with a one-time "political relief check" that would equal 50 cents per day. I urge my colleagues to join me in supporting all Michiganders by saying "yes" to protecting the tax cut we already passed into law and "no" to this political bait-and-switch.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Wednesday, February 15, and are available on the Michigan Legislature website:

**House Bill Nos. 4101 4102 4103 4104 4105 4106 4107 4108 4109 4110 4111 4112 4113
4114 4115 4116 4117**

The Secretary announced that the following bills and joint resolution were printed and filed on Friday, February 17, and are available on the Michigan Legislature website:

**Senate Bill Nos. 64 65 66 67 68 69 70 71 72 73 74 75 76
77 78 79 80 81 82 83 84 85 86**
Senate Joint Resolution B

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Agriculture and Natural Resources submitted the following:
Meeting held on Wednesday, February 15, 2023, at 12:00 noon, Room 1300, Binsfeld Office Building
Present: Senators Cherry (C), Shink and Theis
Excused: Senators Singh and Bumstead

COMMITTEE ATTENDANCE REPORT

The Committee on Civil Rights, Judiciary, and Public Safety submitted the following:
Meeting held on Thursday, February 16, 2023, at 12:00 noon, Room 1300, Binsfeld Office Building
Present: Senators Chang (C), Shink, Wojno, Irwin, Santana, Runestad and Johnson

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Corrections and Judiciary submitted the following:
Meeting held on Thursday, February 16, 2023, at 1:30 p.m., Room 1300, Binsfeld Office Building
Present: Senators Shink (C), Santana, Irwin and Outman

Scheduled Meetings

Appropriations –

Subcommittees –

EGLE – Thursday, February 23, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

General Government – Wednesday, February 22, 4:15 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

LEO/MEDC – Wednesday, February 22, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

Military, Veterans and State Police – Tuesday, February 28, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Transportation – Thursday, February 23, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Wednesday, February 22, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-2768

Economic and Community Development – Thursday, February 23, 11:15 a.m., Room 1200, Binsfeld Office Building (517) 373-1721

Elections and Ethics – Wednesday, February 22, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721

Energy and Environment – Thursday, February 23, 1:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Finance, Insurance, and Consumer Protection – Wednesday, February 22, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Veterans and Emergency Services – Wednesday, February 22, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senator Singh moved that the Senate adjourn.

The motion prevailed, the time being 11:21 a.m.

The Assistant President pro tempore, Senator Geiss, declared the Senate adjourned until Wednesday, February 22, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate