

No. 14
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Tuesday, February 15, 2022.

10:00 a.m.

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

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

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

Horn—present
Huizenga—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
MacDonald—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present
Outman—present

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

Senator Ken Horn of the 32nd District offered the following invocation:

Dear Lord, without You, dear Father, this world is way too much for any single one of us. When we stand alone our minds tend to leap from problem to problem to problem, tangling our thoughts into anxious knots. When we think like this, Lord—leaving You out of our lives—our minds become darkened with those knots tightening and blocking out Your glorious sunshine. But here You stand, silently in the background of our minds waiting for us to remember—to remember to inhale a deep, fresh breath of Your light. When we exhale our problems into Your holy hands, our burdens are eased.

My sweet Lord, I know I'm in You and that You're in me. Help me to see through Your eyes today. Let me hear my colleagues, my constituents, and my neighbors through Your ears. Teach me over and over again to be present in this moment, to better serve You through serving the least of Your children.

All this I ask in the name of the Father, the Son, and the Holy Spirit. Amen.

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

Motions and Communications

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

Senator Bullock entered the Senate Chamber.

The following communication was received:
Department of Attorney General

January 31, 2022

Pursuant to MCL 752.974(i), attached please find the Michigan Human Trafficking Commission's 2021 Report to the Governor and Legislature.

I am pleased with the progress the Commission has made over the last year and I am committed to continuing to work with the Commission to abolish human trafficking.

Please do not hesitate to contact me if you have any questions.

Sincerely,
Dana Nessel
Attorney General

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Ruth A. Johnson

February 10, 2022

I respectfully request to be added as a cosponsor to Senate Bill 868.

Thank you.

Sincerely,
Ruth A. Johnson
State Senator
14th District

The communication was referred to the Secretary for record.

The following communication was received:
Department of Health and Human Services

February 14, 2022

As per the Child Advocacy Center Act, Public Act 544 of 2008, the Michigan Domestic and Sexual Violence Prevention and Treatment Board is required to "provide an annual report of incomes and expenditures to the secretary of the senate and the clerk of the house of representatives."

Attached please find a *Statement of Revenues, Expenditures and Changes in Fund Balances* through year end September 30, 2021.

Please feel free to contact me of any additional information or questions. My direct line is (517) 281-2532. Thank you.

Sincerely,
Debra Cain
Executive Director

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received on February 11, 2022, and read:

EXECUTIVE ORDER No. 2022-1

Department of Licensing and Regulatory Affairs Department of Agriculture and Rural Development Department of Labor and Economic Opportunity

Executive Reorganization

The Michigan Department of Agriculture and Rural Development regulates the processing, distribution, and sale of hemp, while the Marijuana Regulatory Agency regulates the processing, distribution, and sale of marijuana.

Consolidating the regulation of the processing, distribution and sale of marijuana and hemp into a single state agency will allow for more effective and efficient administration and enforcement of state laws relating to cannabis. The expertise of the Michigan Department of Agriculture and Rural Development necessitates their continued regulation of the cultivation of hemp.

Changing the organization of the executive branch of state government is necessary in the interests of efficient administration and effectiveness of government.

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

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that are necessary for efficient administration.

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

1. Renaming the Marijuana Regulatory Agency

(a) The Marijuana Regulatory Agency is renamed the Cannabis Regulatory Agency (the "Agency").

(b) After the effective date of this order, a reference to the Marijuana Regulatory Agency will be deemed to be a reference to the Agency.

(c) After the effective date of this order, a reference to the Executive Director of the Marijuana Regulatory Agency will be deemed to be a reference to the Executive Director of the Agency.

2. Transfers from the Department of Agriculture and Rural Development

(a) All of the authorities, powers, duties, functions, and responsibilities of the Department of Agriculture and Rural Development to license and regulate processor-handlers under the Industrial Hemp Research and Development Act, 2014 PA 547, MCL 286.841 to 286.859, are transferred to the Agency to be administered by the Agency. Section 8 of the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"), 2018 IL 1, MCL 333.27958, grants the Agency the authority to promulgate rules to regulate the cultivation, processing, distribution, and sale of industrial hemp.

(b) The authorities, powers, duties, functions, and responsibilities of the Agency to promulgate rules to regulate the cultivation of industrial hemp under section 8 of MRTMA are transferred by Type II transfer to the Department of Agriculture and Rural Development.

(c) The Agency must exercise all of the authorities, powers, duties, functions, and responsibilities transferred to the Agency by this order or otherwise vested in the Agency by law.

(d) The Agency is responsible for implementing the transfers to the Agency under this order and has the powers and duties necessary to exercise the powers and duties vested in the Agency by this order or otherwise by law.

3. Renaming the Michigan Council for Arts and Cultural Affairs

(a) The Michigan Council for Arts and Cultural Affairs, created by Executive Order 1991-20, MCL 2.132, and transferred to the Michigan Strategic Fund by Executive Order 2009-36, is renamed the Michigan Arts and Culture Council.

(b) After the effective date of this order, a reference to the Michigan Council for Arts and Cultural Affairs will be deemed to be a reference to the Michigan Arts and Culture Council.

4. Definitions

As used in this order:

(a) “Cannabis” means that term as defined under section 2(b) of the Industrial Hemp Research and Development Act, MCL 286.842(b).

(b) “Department of Agriculture and Rural Development” means the principal department of state government created under section 1 of 1921 PA 13, MCL 285.1, and section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275, and renamed by Executive Order 2011-2, MCL 285.11.

(c) “Department of Licensing and Regulatory Affairs” means the principal department of state government originally created as the Department of Commerce under section 225 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.325, renamed as the Department of Consumer and Industry Services by Executive Order 1996-2, MCL 445.2001, renamed the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011, renamed the Department of Energy, Labor, and Economic Growth by Executive Order 2008-20, MCL 445.2025, and renamed the Department of Licensing and Regulatory Affairs by Executive Order 2011-4, MCL 445.2030.

(d) “Industrial hemp” means that term as defined under section 3(c) of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953(c).

(e) “Marijuana Regulatory Agency” is defined in section 3(q) of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27953(q), to mean the marijuana regulatory agency created under Executive Reorganization Order 2019-2, MCL 333.27001.

(f) “State Budget Director” means the individual appointed by the governor under section 321 of The Management and Budget Act, 1984 PA 431, as amended, MCL 18.1321.

(g) “Type II transfer” means that term as defined under section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(b).

5. Implementation

(a) The Director of the Department of Agriculture and Rural Development and the Executive Director of the Agency must provide executive direction and supervision for the implementation of all transfers to the Agency under this order.

(b) Except as otherwise provided in this order, the functions and responsibilities transferred to the Agency under this order must be administered under the direction and supervision of the Executive Director.

(c) Any records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred to the Agency under this order, are transferred to the Agency.

(d) The Executive Director must administer the functions and responsibilities transferred to the Agency under this order in such ways as to promote efficient administration and must make internal organizational changes as administratively necessary to complete the realignment of responsibilities under this order.

(e) State departments, agencies, and state officers must fully and actively cooperate with and assist the Executive Director with implementation responsibilities under this order. The Executive Director of the Agency may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers must provide that assistance.

(f) The State Budget Director must determine and authorize the most efficient manner possible for handling financial transactions and records in this state’s financial management system necessary to implement this order.

(g) A rule, regulation, order, contract, or agreement relating to a function or responsibility transferred under this order lawfully adopted or entered into before the effective date of this order must continue to be effective until revised, amended, repealed, or rescinded.

(h) This order does not abate any criminal action commenced by this State before the effective date of this order.

(i) 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.

(j) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued

(k) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective April 13, 2022 at 12:01 a.m.

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

Date: February 11, 2022

Time: 2:00 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

By unanimous consent the Senate proceeded 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 Assistant President pro tempore, Senator Theis, designated Senator McMorrow as Chairperson.

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

House Bill No. 4348, entitled

A bill to license and regulate pharmacy benefit managers; to require reporting of certain data; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies; to require the promulgation of rules; and to require and to provide sanctions for violation of this act.

Substitute (S-2).

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

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:12 a.m.

10:58 a.m.

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

During the recess, Senator Nesbitt entered the Senate Chamber.

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

Senator Schmidt introduced
Senate Bill No. 874, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 907 and 909 (MCL 257.907 and 257.909), section 907 as amended by 2020 PA 382 and section 909 as amended by 2000 PA 94, and by adding sections 2c, 627c, and 907b.

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

Senators Theis, Bumstead, Daley, Victory, Barrett, Wozniak, McBroom, Nesbitt, Johnson, Runestad, Outman and Lauwers introduced

Senate Bill No. 875, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 612a.

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

House Bill No. 4252, entitled

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” by amending section 315 (MCL 462.315), as amended by 2012 PA 421.

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. 4948, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending section 30 (MCL 125.1430), as amended by 1982 PA 506.

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 Finance.

House Bill No. 4950, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending section 21 (MCL 125.1421), as amended by 2000 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 Finance.

House Bill No. 4951, entitled

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending section 44 (MCL 125.1444), as amended by 2017 PA 127.

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 Finance.

House Bill No. 4996, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 178 and 634 (MCL 168.178 and 168.634), section 178 as amended by 1980 PA 261 and section 634 as amended by 1996 PA 583.

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 4348

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 4348

The motion prevailed.

The following bill was read a third time:

House Bill No. 4348, entitled

A bill to license and regulate pharmacy benefit managers; to require reporting of certain data; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies; to require the promulgation of rules; and to require and to provide sanctions for violation of this act.

The question being on the passage of the bill,

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

Roll Call No. 27

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

The motion prevailed.

Senator VanderWall’s statement is as follows:

I rise to express my support for House Bill No. 4348. House Bill No. 4348 creates the pharmacy benefit manager licensure and regulation act. It also incorporates notable reform to several pharmacy-related practices. Dating back to last summer, House Bill No. 4348 was before the Senate Committee on Health Policy and Human Services five different times where we heard testimony from a wide range of stakeholders regarding this legislation. During these hearings, we received significant feedback across the spectrum of support and opposition. We have taken this process very seriously in order to understand the positions made, the concerns raised, and the need for this reform. I have conducted countless meetings, calls, Zooms, and discussions to make sure we get this right and since last summer, we have worked very hard to get to the place we are today with House Bill No. 4348 in order to provide for solid reforms contained within this bill.

I do want to say thank you to the committee for all their hard work. I would like to thank the individuals and groups that stepped up and worked together over the past weeks to get us to where we are, as well as committee staff, policy staff, and LSB for their time and commitment. I am confident that this legislation will go a long way to help individuals access medications, increase transparency within the pharmaceutical supply chain, and support local pharmacies that have seen mounting financial and regulatory strain. I ask for your support of House Bill No. 4348.

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, Lieutenant Governor Gilchrist, designated Senator McMorro as Chairperson.

Recess

Senator Lauwers moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 11:13 a.m.

11:29 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator McMorro.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4693, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512b (MCL 339.2512b), as added by 1981 PA 83.

House Bill No. 5294, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3m (MCL 445.903m), as added by 2021 PA 46.

The bills were 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. 4242, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48729 (MCL 324.48729), as amended by 2018 PA 643.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

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.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 768, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 51 and 623 (MCL 206.51 and 206.623), section 51 as amended by 2020 PA 75 and section 623 as amended by 2014 PA 13, and by adding section 254.

Substitute (S-5).

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
Motions and Communications

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:36 a.m.

11:53 a.m.

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

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

Senate Bill No. 768

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 768

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 768, entitled

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

The question being on the passage of the bill,

Senator Ananich offered the following substitute:

Substitute (S-3).

Senator Chang requested the yeas and nays.

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

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 28

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: Theis

The President, Lieutenant Governor Gilchrist, resumed the Chair.

The question being on the passage of the bill,

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

Roll Call No. 29

Yeas—22

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Hertel, Polehanki, Santana, Bullock, Wojno, Bayer, Alexander, Chang, Moss, Brinks, McMorrow, McCann, Hollier and Geiss, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 768.

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

The motion prevailed.

Senator Hertel's statement, in which Senators Polehanki, Santana, Bullock, Wojno, Bayer and Alexander concurred, is as follows:

I want to be very clear—this bill does nothing to help a struggling business here in Michigan. This tax break is only for businesses who are currently making a profit. Meanwhile, the most richest, most profitable corporations—again, not small businesses—will enjoy a break that is six times greater. Six times greater than the people. See, in this bill you offer the people a 0.4 percent reduction in their income tax in exchange for cutting the corporate tax by a third. 0.4 for our people, a third tax cut for the rich. Six times more to corporations than to nurses, six times more than first responders, six times more than teachers, six times more than working families. Those people who have not had a break since the beginning of the pandemic get a little bit; those who are the richest among us, those that have the most profits get almost all the benefit of this bill.

That could be a policy position if you're actually talking real policy, but this isn't that either. When we have amendments, when the minority party has amendments on a budget, you get up and say that we have to have real discussions because these things weren't negotiated and that, because—but you're the majority party. No actual work was done to make this real. There have been no discussions to actually make this part of the budget document. None of this has actually gone through any of the actual processes. This is a fake process so that you can get a media headline today—that's all this is. Everybody knows it. Another example of this body playing a lot of politics but not doing a whole lot of policy, worried more about the next election than they are about peoples' lives here in Michigan. If you wanted to actually do something, you'd go through the normal part of the process.

You know, when you talk about being good fiscal stewards—that's one of the things we also get lectured about a lot from over there, that we have to be good fiscal stewards and we have to pay for the things we want—none of this is actually paid for in a budget document. You won't tell us if it cuts funding to roads. You won't tell if it cuts money for our schools. You won't say that it defunds the police. You won't talk about it cutting programs that actually help people. You won't say what it cuts, because at the end of the day, you're not interested at all about what the actual cuts are. The only thing you're interested in is cutting a campaign ad on the Senate floor.

I ask you to vote "no" on this bill as it is nothing but a show—an attempt to pay off large corporate donors and does nothing for the people of Michigan. It is not even a serious attempt at that.

Senator Chang's statement is as follows:

Tax policies reflect our values and this bill simply is not prioritizing Michigan workers who need a break. You know who needs the most targeted relief at this moment? Our hard working teachers, social workers, health care workers, child care providers, and other essential workers—the people who have been going nonstop during the pandemic for us. The tax proposal before us gives a disproportionate cut—six times the cut—to wealthy corporations than it does to working families here in Michigan. This will not incentivize businesses to produce their product for supply and demand. Because we're giving them such a huge tax break, it could actually artificially increase the cost of their products which is the opposite of what we should be doing. Michigan families are struggling to afford basic goods at the grocery store. If we really want to help people, we need to restore the earned income tax credit to a respectable rate as we should have done years ago. We should be providing people—individuals—with the greatest tax break in all of these proposals. This bill is overly focused on corporations who are making profits—some of them record profits—when as public servants, we should remain focused on prioritizing Michigan's hardworking families. They deserve better.

Senator Moss' statement, in which Senators Brinks, McMorrow, McCann and Hollier concurred, is as follows:

I'm going to start with a quote from Yogi Berra, This is déjà vu all over again. A little bit of history, ten years ago Governor Snyder slashed corporate income taxes and to offset the loss of that revenue to the state, Republicans in the Legislature introduced, passed, and implemented the retirement tax on Michigan seniors—with no Democratic support. Now, legislative Republicans who have spent a decade bemoaning, decrying, and assailing the pension tax that they themselves created, are setting up the exact same framework to further shift our tax burden off of corporations and onto Michigan residents.

My message to the Michigan worker is, When Republicans find themselves in a budget shortfall, they won't be going to their corporate friends to fill in the gaps, they'll be coming for you. I cannot and will not support this, and I will refer to these comments as my "no" vote explanation in another ten years when the same Republicans whine about the tax burden that they themselves will be placing on Michigan families.

Senator Geiss' statement is as follows:

I too rise to give my "no" vote explanation to Senate Bill No. 768. I say this a lot in here, but on the surface this bill seems like it could possibly, maybe, be a good thing, providing money for hardworking Michiganders especially during a time of pandemic-induced inflation through the vehicle of lowering the tax rate and creating a modest tax credit of \$500 to families with dependent children. Funny thing though, in

this same chamber, in fact almost seven months ago to the day, back in May, I argued something similar with the tiny tax credit offered by Senate Bill No. 378. Like then, as with now, it's almost hard to argue against this bill, except as they always say, the devil is in the details, and I'm here to say, again, when it comes to this bill, Satan, get thee behind me.

Here's why this bill is a bunch of smoke and mirrors, as our good friend from the 11th District just mentioned. First, back in 2011 the state, led by legislative Republicans, froze the individual tax rate at 4.25 percent. Had the natural attrition occurred without that legislation, it would have already been at 3.9 percent by 2014. This 4.25 percent tax rate freeze was done in conjunction with the retirement tax, aka the pension tax, to help fund the corporate tax break created back then. Interestingly, eight currently serving members in this chamber voted for this huge tax gift for corporations on the backs of retirees and regular people. But, I'm guessing they're now seeing the error of their ways, except for the fact that this bill also includes an additional corporate income tax rate change from 6.0 percent to 3.9 percent.

Second, this reduction in the corporate income tax rate comes at a time when corporations are making profits hand over fist. Corporate earnings are actually on the increase. In fact, according to economists, companies in the S&P 500 have reported actual results for Q4 2021 to date. And of these companies—this is going to make you laugh, really—of these companies, 77 percent have reported actual EPS above estimates, which is above the five-year average of 76 percent. In aggregate, companies are reporting earnings that are 8.6 percent above estimates, which is equal to the five-year average of 8.6 percent, earnings aka profits.

Now, while our friends on the other side of the aisle would like us to believe Senate Bill No. 768's measure is going to help out regular folks and that inflation is because of the Biden administration or Governors such as our own—they aren't the ones who are raising prices at the pump, and at the pharmacy, or where you shop for food. It's actually corporations. Corporations are beholden to their shareholders, and shareholders, few of whom are regular Joe or Jalisa, are benefiting—profiting—from the high prices that these companies are charging regular Joe and Jalisa.

This bill may put a tiny fraction of money in Joe's and Jalisa's wallets and bank accounts that they will in-turn spend on goods and services that they will need, but will manage to simultaneously enrich the corporations who have no incentive to lower prices because their shareholders, to whom they are beholden, don't demand giving Joe and Jalisa a fair shake, but want to give corporations more, and more, and more.

That's the bottom line with this bill, which is being delivered to us. It is full of sound and fury, signifying nothing. So until we are going to find meaningful ways to support hardworking Michiganders—this type of sorta-kinda-feel-good legislative financial tradeoff has the devil's play written all over it and ultimately screws our hardworking Michiganders Joe and Jalisa—whom we work for, and I urge a “no” vote.

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

The motion prevailed.

Senator Ananich's statement is as follows:

When I think about who needs the biggest break right now, I think of the exhausted teachers, nurses, child care providers, grocery store clerks, and delivery drivers—the people who have suffered the most for us during this pandemic, the people making middle class wages who often have other mouths to feed and bodies to clothe. How kind of the Republicans to offer them the equivalent of 50 cents per day. Sally Struthers offered more in the 1980s than they're offering today. The small businesses that have truly struggled during the pandemic like restaurants and brick-and-mortar retail would virtually get nothing under this proposal. Meanwhile, this bill allows for the richest, most profitable corporations—in other words, big campaign donors—to enjoy a break that is six times larger.

Madam President, my substitute simply removes the corporate tax break in this bill, plain and simple. My substitute also repeals the unpopular and unfair retirement tax that has burdened seniors for too long. We are fiscally in a position where we can really give a hand to those who need it, and I encourage my colleagues to do so by voting “yes” on my substitute.

Senator MacDonald's statement is as follows:

A \$275 tax hike every single month—that's what record high inflation means for the average American according to Moody's. This comes on the heels of the job losses, business closures, and supply chain disruptions caused by the pandemic and shutdowns of our economy. Meanwhile, state government is sitting on a \$7 billion surplus.

Mr. President, the time is now to let every Michigander keep more of what they earn so they can deal with this tax hike. Because, make no mistake, that's what inflation is—an invisible tax increase making it harder to buy things like groceries, heat homes, and pay bills. I ask members before they vote to remember this isn't our money, it's their money—the people of this state—and they need it now to make ends meet. I ask for your support of this bill.

Senator Runestad's statement is as follows:

The reporter Tim Skubick had the Governor's budget nailed exactly. He said, "What they should call it is the Governor's budget banquet buffet because there was a financial dish for every eager and hungry special interest group at the table and you would pick up the tab." Yes, you the taxpayer gets to pick up the tab for gushing and splashing money all over the state of Michigan, but the Senate Republicans are voting to return \$2.8 billion back to Michigan's families, seniors, and businesses to help them recover from the effects of COVID-19 and the crippling inflation, trillions upon trillions by the Biden administration spending like a drunken sailor and running up inflation. What do we hear, that it's businesses? Businesses compete with one another to keep the price low. It isn't them, it's the trillions upon trillions spent by the federal governments. So after three years of trying to raise inflation or raise taxes on Michiganders to grow state government, the Governor finally has had an election year epiphany and decided she is ready to claim to lower taxes, but passing these historic tax cuts we are giving her the chance to keep that promise. Out of control spending in Washington and the supply chain disruptions caused by shutdowns of our economy have resulted in this massive exploding inflation—40-year high.

Our plan will help Michigan, struggling to afford the cost of everything from gas to groceries to heating their homes. Our plan will help Michigan families by reducing the state's income tax and creating a \$500 tax credit for each child under the age of four and they could see a savings of approximately \$1,200 per year. To help every Michigan senior, not just those who get a government pension like the Governor's plan but we are voting an increase in tax exemption for all retirement income for those seniors. \$30,000 for individuals and \$60,000 for couples, one-third more than they were receiving before. Michigan's businesses who survived the pandemic and the shutdown of our economy need to get back on their feet and this plan makes us competitive, moving Michigan's corporate income tax from 6 down to 3.9. This will make us one of the lower corporate tax in the Midwest and help bring businesses to Michigan.

I hope the Governor will follow through on all she's said or all the stuff she's saying about what we need, tax cuts, and that she signs this huge cut that will make such a difference for the people here in the state of Michigan.

Senator Nesbitt's statement is as follows:

Mr. President, if you're lucky enough to work in the four-square-block radius of this building, it probably feels like happy days are here again—a massive surplus with a Governor who wants to spend, with government bureaucracies and government employees being major beneficiaries of this unheard-of surplus right now. These four square blocks of the State Capitol complex are notorious, I think, for being out of touch with the hard-working Michiganders in the real world that's out there. The disconnect may never have been as big as it is right now because outside the Capitol Loop, Michiganders are hurting.

Thousands of businesses never reopened after the Governor's shutdown of our economy. The Governor repeatedly rejected efforts to help these struggling small businesses in the midst of the pandemic—veto after veto after veto of relief that this Legislature tried to provide them. People throughout our state are working hard at their job and they absolutely deserve the tax relief—small businesses, farmers, working families, our retirees. Supply chain disruptions mean work stoppages at major employers and empty shelves. And of course when there are groceries on the shelves, they cost more—a lot more—relative to what Michiganders are making. Higher increases than we've seen in nearly 40 years. In fact, the last time inflation was this high, a guy named Joe Montana won the Super Bowl at a place called the Pontiac Silverdome. Make no mistake, inflation is a pay cut for every Michigander.

Mr. President, state government may be flush with cash but it's not our money as Senators. It's not the Governor's money. It's the people's money, and right now they need to be sending less of it to Lansing so they can have more of it to fill up their cars, heat their homes, and feed their families. Before us today is an historic reduction—historic reduction—in taxes that will make a difference not for some Michiganders, not for a special specific political class of Michiganders, but for all Michiganders, for all working families, for all small businesses. It will help families by lowering the income tax to 3.9 percent, create a \$500 tax credit for every child under 19. A family of four making \$50,000 per year would see about a \$1,200 tax cut. It will help all retirees, not just state workers, by increasing the retirement income exemption. It will help the businesses that survived the shutdown of our economy get back on their feet by reducing our business tax to the lowest rate in the Midwest. When we lowered it 12 years ago, Indiana responded by lowering theirs; now theirs is lower than ours. It's time for us to respond.

Mr. President, now is the time for bold action to help the people of our state to show them that their family budget—not state government spending—is our top priority to help them weather this storm caused by shutdowns, lockdowns, and reckless spending in Washington that has created the highest inflation in 40 years, and to prove with our votes that we know they know how to best spend their money, not the government. I ask for your support of this major tax cut.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Barrett, Bullock, Nesbitt 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 Barrett's statement is as follows:

I just wanted to take a brief moment to congratulate my friend Senator Hollier on his promotion to captain this past weekend. I have to say, I put in 22 hard years with the Army and this guy walks in and outranks me already so I'm a little resentful of that.

Captain, congratulations on your promotion and you look sharp in the brand new pink and green uniform we got for the Army. That was good. Congratulations.

Senator Bullock's statement is as follows:

I rise to speak briefly on celebrating Black History Month, not for just 28 days but for 365 days, and often 366 days every four years, because Black history is world history, it is true American history, and definitely Michigan's history. I'm conflicted having to submit a resolution every year recognizing something already recognized by the American government identifying what Carter G. Woodson, who was the second Black man to receive a doctorate from Harvard after W.E.B. DuBois. Brother Woodson is dubbed the father of Black history. In 1924, he organized Negro History and Literature Week. On February 26, he launched a celebration of Negro history week which was the precursor to celebrating a whole month of Black History Month which was first proposed by a group of Black educators and the Black United Students at Kent State University in February 1969, and the first celebration of Black History Month was at Kent State in February 1970. Michigan's own President Gerald Ford officially recognized Black History Month in 1976, calling upon the public to "seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history."

I proudly stand at this electronic microphone created by Dr. James E. West, a Black man. This patented technology is what we commonly use today for our microphones. It's used in hearing aids and your smartphones and most electronic devices. I smile as the automatic doors open to the elevators we use, designed and invented by Alexander Miles, a Black man. The artificial light we use worldwide, the light bulb, was claimed to be invented by several scientists, but credited to Thomas Edison with the creation of the incandescent light. Yet, none of these inventions held light very long. It was the addition of Lewis Latimer, a Black man's invention, of the filament that we have the light bulbs we use today. In addition, Lewis Latimer was also hired by Alexander Graham Bell to draft the necessary drawings required to receive the patent for the Bell telephone. It's an interesting story that you should acquaint yourselves with.

We get to go from place to place safely by our vehicles with the invention of the three-light traffic signal by a Black man, Garrett Morgan. The security system at your home with cameras and added features, a microphone to speak to anyone at the door, a button to unlock the door, a button to contact police, was invented by a Black woman, Marie Van Brittan Brown.

I could go on for 40 days and 40 nights of ways Black people have contributed to our every day. Let's celebrate Black excellence that is achieved, continue the unrelenting pursuit of we the people, equality, liberty, and justice for all. I'll leave you with this, and I'm sure Brother Lauwers will pick up on this.

Some people say we got a lot of malice
 Some say it's a lotta nerve
 But I say we won't quit moving
 Until we get what we deserve
 We've been 'buked and we've been scorned
 We've been treated bad, talked about
 As sure as you're born
 But just as sure as it take two eyes to make a pair, huh
 Brother, we can't quit until we get our share
 Say it loud (I'm Black and I'm proud)
 Say it loud (I'm Black and I'm proud)
 One more time, say it loud (I'm Black and I'm proud)

You know the author.

Senator Nesbitt's statement is as follows:

I first want to wish everyone—hope they all had a happy Valentine's Day yesterday. I had an especially happy one. Second born entered the world at Bronson Hospital in Kalamazoo—William Aric Nesbitt—weighing in at 9 pounds, 7 ounces; 19 inches long; born at 10:53 a.m. yesterday. Mom and baby are healthy and happy and they're doing well, and I'm looking forward to getting back as soon as I can to go see them.

Senator Ananich's statement is as follows:

Today, we are saying good luck and best wishes to one of our communications staff members, Michael Sandoval. Michael started in the Michigan Senate as an intern in my office several years back. He grew up in Grand Haven but he has always been drawn to the big city of Chicago, where he will be moving with his wife and high school sweetheart, Megan. He is a proud graduate of James Madison College at Michigan State University, where he developed his passion for policy as part of the MSU Model United Nations Club. Upon graduating from State, he worked at Truscott Rossman and then—perhaps against his better judgement—came back to us here in the Michigan Senate.

The team never misses the opportunity to give him a hard time about just about anything, but like any good comms person, he is quick on the return—a trait they believe has, and will continue to, serve him well as long as he works in the political realm. Jokes aside, Michael is truly a student of politics. He never stops talking about national and state news—he never stops talking about national and state news—even after marathon session days here in this chamber. He has grown immensely in the three years he's been on my staff, both as a person and as a professional in his career. The communications staff asked me to note that they will miss their little brother as he heads off to serve as the campaign press secretary for Illinois Lieutenant Governor Juliana Stratton.

As with any quality staff member, we are sad to see Michael leave, but we are proud of him and grateful for his hard work and dedication. Colleagues, could you please join me in thanking Michael for his service to the people of Michigan. Thank you very much.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 10:

House Bill Nos. 4252 4948 4950 4951 4996

The Secretary announced that the following bills and resolution were printed and filed on Thursday, February 10, and are available on the Michigan Legislature website:

Senate Bill Nos. 870 871 872 873

Senate Resolution No. 108

House Bill Nos. 5731 5732 5733 5734

Committee Reports

The Committee on Economic and Small Business Development reported

Senate Bill No. 791, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28 (MCL 421.28), as amended by 2021 PA 66.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

House Bill No. 4725, entitled

A bill to amend 1969 PA 312, entitled “An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof,” by amending section 2 (MCL 423.232), as amended by 2011 PA 116.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

House Bill No. 5295, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 904 (MCL 450.4904), as amended by 2013 PA 131.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic and Small Business Development reported

House Bill No. 5296, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 284 (MCL 450.1284), as amended by 2013 PA 132.

With the recommendation that the bill pass.

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

Ken Horn
Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, February 10, 2022, at 12:00 noon, Room 1200, Binsfeld Office Building

Present: Senators Horn (C), VanderWall, Lauwers, Schmidt, LaSata, MacDonald, Huizenga, McMorrow, Geiss and Moss

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, February 10, 2022, at 8:30 a.m., Room 1200, Binsfeld Office Building

Present: Senators Daley (C), Victory, Lauwers, Polehanki and Brinks

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:
Meeting held on Thursday, February 10, 2022, at 8:30 a.m., Room 1100, Binsfeld Office Building
Present: Senators Victory (C), VanderWall, Barrett, Johnson, Runestad, Wozniak, Chang and Irwin

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Governing Board submitted the following:
Meeting held on Thursday, February 10, 2022, at 9:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building.
Present: Senators Stamas (C), Shirkey, Bumstead, Ananich and Hertel

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:
Meeting held on Thursday, February 10, 2022, at 1:00 p.m., Room 1100, Binsfeld Office Building
Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel and Wojno
Excused: Senator Santana

Scheduled Meetings

Appropriations – Wednesday, February 16, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees –

Agriculture and Rural Development – Thursday, February 24, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Wednesday, February 23, 11:30 a.m., Room 1300, Binsfeld Office Building (517) 373-2768

K-12 and Michigan Department of Education – Thursday, February 24, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Military and Veterans Affairs/State Police – Thursday, February 24, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Thursdays, February 17 (CANCELLED) and February 24, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Elections – Wednesday, February 16, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5323

Finance – Wednesday, February 16, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Senator LaSata moved that the Senate adjourn.
The motion prevailed, the time being 12:30 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, February 16, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

