

No. 9
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Wednesday, February 10, 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 Mike Shirkey of the 16th District offered the following invocation:

Heavenly Father, where do I start? We live in a strange and unpredictable world these days. We need Your grace and Your Holy Spirit in our lives more than ever. And that's everybody, including and especially me. Lord, I don't think that there is a person in this chamber—or frankly a person in Michigan, or in the country for that matter—who desires to do anything but move forward and try to be positive and solve problems, exploit opportunities, and do so consistent with Your will in our lives and for our state and for our country. But sometimes we get off track. For that, we need You to come alongside us to help correct us, to come behind us to support us, come below us to lift us up, and go before us to light the way, and it is up to us to make sure that we are paying attention to those times. It is a high privilege to serve in the capacities in which we are here, not just the elected, but everybody else on staff who helps us accomplish our objectives and accomplish our responsibilities and obligations. We thank You for the ability to petition to You and we ask that You don't hold back on Your love, but also Your grace through the Holy Spirit in terms of correction, in terms of identifying opportunities that we are missing, and in terms of our relationships with one another. I ask all these things in Your precious Son's name. Amen.

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

Motions and Communications

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

Senator Chang moved that Senator Geiss 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.

The following communication was received:
Office of Senator Curtis Hertel, Jr.

February 9, 2021

I am writing to request my addition in co-sponsorship for Senate Bill 34, sponsored by Senator Bayer and Senate Bill 35, sponsored by Senator Polehanki.

Please feel free to contact me if you need any further information.

Sincerely,
Curtis Hertel Jr.
State Senator
District 23

The communication was referred to the Secretary for record.

Third Reading of Bills

Senator Schmidt entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 16, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 125 (MCL 125.525), as amended by 2016 PA 14.

The question being on the passage of the bill,

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

Roll Call No. 8

Yeas—34

Alexander
Ananich

Daley
Hertel

McBroom
McCann

Schmidt
Shirkey

Barrett	Hollier	Moss	Stamas
Bayer	Horn	Nesbitt	Theis
Bizon	Irwin	Outman	VanderWall
Brinks	Johnson	Polehanki	Victory
Bullock	LaSata	Runestad	Wojno
Bumstead	Lauwers	Santana	Zorn
Chang	MacDonald		

Nays—0

Excused—2

Geiss McMorro

Not Voting—0

In The Chair: President

Senator Geiss entered the Senate Chamber.

Senator Lauwers moved to reconsider the vote by which the bill was passed.
 The motion prevailed, a majority of the members serving voting therefor.
 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. 9

Yeas—35

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

Nays—0

Excused—1

McMorro

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 10, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 8 (MCL 15.268), as amended by 2018 PA 467.

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. 10

Yeas—35

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

Nays—0

Excused—1

McMorrow

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Horn 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. 17, entitled

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 3a (MCL 15.323a), as amended by 2011 PA 106.

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

Resolutions

Senator Polehanki offered the following concurrent resolution:

Senate Concurrent Resolution No. 5.

A concurrent resolution to urge the United States Department of Education to grant waivers for Michigan state assessment requirements under the Every Student Succeeds Act.

Whereas, State and federal laws require schools to assess student learning every year in specific grade levels and subjects. Under the federal Every Student Succeeds Act (ESSA), states must administer annual statewide assessments. If states do not meet certain requirements, the U.S. Department of Education may withhold federal funding; and

Whereas, Michigan meets this federal requirement in part by requiring schools to administer standardized tests. The Michigan Student Test of Educational Progress (M-STEP) is given to students online in grades 3-7 to measure their knowledge of state standards in English language arts (ELA) and mathematics. The Michigan Department of Education also administers the PSAT 8/9 which replaced the M-STEP ELA and mathematics assessment for grade 8. The M-STEP and the PSAT 8/9 aim to provide valuable information to parents and teachers on student academic performance that help schools and districts evaluate curriculum and programming effectiveness; and

Whereas, While the PSAT 8/9 is paper-based and the M-STEP is administered online, students normally take both assessments under the supervision of an administrator who can ensure test security. Maintaining uniform procedures for test administration helps ensure that results are accurate and meaningful and that no student has an unfair advantage in their assessment performance; and

Whereas, In light of the uncertainty of in-person school attendance for the rest of the 2020-21 school year due to the COVID-19 Pandemic, it will be difficult to prepare uniform procedures for administration of state assessments. This may result in decreased test security and overall confusion regarding the process, which may detract from the reliability of the assessment results; and

Whereas, The U.S. Department of Education announced that they will grant a waiver to any state that is unable to assess its students due to the ongoing national emergency brought on by the COVID-19 Pandemic for the current 2019-2020 school year. The decision was made in order to allow students to focus on learning and staying healthy while allowing teachers time to adapt to remote learning; and

Whereas, School districts will continue to face enormous burdens and challenges as they scramble to prepare for education under new and uncertain circumstances in the upcoming school year. It is essential that we allow them flexibility to ease some of those burdens. While state assessments provide valuable information, we should allow schools to focus their limited resources and energy on other initiatives; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Education to grant waivers for Michigan state assessment requirements under the Every Student Succeeds Act for the 2020-2021 school year; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Education.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Lauwers moved that the concurrent resolution be referred to the Committee on Education and Career Readiness.

The motion prevailed.

Introduction and Referral of Bills

Senators Hertel, Bayer, Santana, McCann, Bullock, Geiss, Ananich, Polehanki, Moss, Brinks, Irwin and Wojno introduced

Senate Bill No. 115, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2020 PA 165, and by adding section 39b.

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

Senators Schmidt and Hollier introduced

Senate Bill No. 116, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 1108 (MCL 339.1108), as amended by 2014 PA 136.

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

Senators Ananich, Hollier and Bullock introduced

Senate Bill No. 117, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 261 (MCL 18.1261), as amended by 2020 PA 174.

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

Senator McBroom introduced

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.

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

Senator McBroom introduced

Senate Bill No. 119, entitled

A bill to amend 1911 PA 163, entitled “An act to provide for the election of inspectors of mines in certain cases and the appointment of their deputies, for the appointment of such inspectors of mines and their deputies until the election and qualification of the first inspectors of mines, to prescribe their powers and duties and to provide for their compensation, and to repeal Act No. 213 of the Public Acts of 1887,” by amending the title and sections 1 and 6 (MCL 425.101 and 425.106), section 1 as amended by 1984 PA 116; and to repeal acts and parts of acts.

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

Senator McBroom introduced

Senate Bill No. 120, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 501 (MCL 324.501).

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

Senator McBroom introduced

Senate Bill No. 121, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 282a (MCL 168.282a) and by adding section 282b.

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

Senators Chang, Geiss, Bayer, Polehanki, Bullock, Wojno, Moss, Irwin, Ananich, Santana and Brinks introduced

Senate Bill No. 122, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 343.

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

Senators Bayer, Geiss, Polehanki, Bullock, Wojno, Moss, Irwin, Ananich, Santana and Brinks introduced

Senate Bill No. 123, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 34301, 34305, 34307, 34309, 34311, and 34313.

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

Senators Geiss, Bayer, Polehanki, Bullock, Wojno, Moss, Irwin, Ananich, Santana and Brinks introduced **Senate Bill No. 124, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3111b and 3115 (MCL 324.3111b and 324.3115), section 3111b as added by 2004 PA 142 and section 3115 as amended by 2004 PA 143.

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

Senator Daley introduced

Senate Bill No. 125, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 525 (MCL 436.1525), as amended by 2016 PA 434.

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

Senator Daley introduced

Senate Bill No. 126, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending section 4a (MCL 432.104a), as amended by 2019 PA 159.

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

Senators Santana, Wojno and Bayer introduced

Senate Bill No. 127, entitled

A bill to amend 1973 PA 186, entitled “Tax tribunal act,” by amending section 31 (MCL 205.731), as amended by 2008 PA 125.

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

Senator LaSata introduced

Senate Bill No. 128, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 14 (MCL 257.14), as amended by 2012 PA 498.

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

Recess

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

The motion prevailed, the time being 10:22 a.m.

10:54 a.m.

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

Statements

Senators Chang 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 Chang’s statement is as follows:

Many of you know that over the past six years serving in the Legislature, I’ve always been a strong advocate for my progressive values and I’ve always worked hard in a serious, thoughtful way on bipartisan solutions. It has not always been easy. When people in my district ask how I’m able to work across the aisle when I disagree so strongly with the majority party on major issues, I always say that I do my best to separate out what I’m working on with someone and issues I completely disagree on, and just focus on what we can agree on—what we can work on together. I try my best to separate out the views I find completely offensive from the views where there is alignment to get things done.

It is becoming harder and harder—and maybe even impossible—to make that kind of separation. When statements are made that cut so deeply and show such complete dismissiveness and disregard for who people are—as women, as Asian Americans, as any other identity. How can we make that kind of separation, make that kind of distinction, anymore when it is so clear what your values really are? If your core values don't tell you that standing up for the truth instead of promoting lies about the 2020 election or the insurrection at the Capitol, how can we keep this line of separation?

I have always believed in forgiveness, in working together in a bipartisan way, and in seeing the good in people, including those who I disagree with. But forgiveness requires genuine apologies. It demands acknowledgement of specific wrongdoing, and working together in a bipartisan way has to be based on truth instead of lies. My daughters deserve to live in a world where women and girls are respected, where truth is uplifted, and where basic decency among those serving the public is an expectation. As leaders in our communities and our state, we must act accordingly. We owe it to each other, to our families, and to the residents whom we have the honor of serving. And as for seeing the good in people, well, I will keep trying.

Senator Ananich's statement is as follows:

Today I am more sad than I am angry. I am more disappointed than I am surprised. I'm not going to address any of the specific comments that were made recently by our Senator from the 16th District because I just don't have the words. But I am going to ask all of us—especially the Senator from the 16th District—to reflect on the opening prayer that he gave this very morning. This isn't the first time you've asked for grace, and Lord knows you've been given it. I would ask that you please accept it and learn from it. This is a chance for all of us to do some self-reflecting, but especially the Senator from the 16th District. We all have to ask this question: Why are we here? If we don't walk into this building every day and look around and think about the important work that we were asked to do and the immense responsibility that all of us are charged with, then what's the point?

I obviously got here through a special election and served four years with the predecessor, Arlan Meekhof. It was a tumultuous four years, no question about that. But I want to say this, and I mean this with all sincerity—there was not one minute, one hour, or one day where his actions or words ever made me feel embarrassment or shame to be in this body. I can't say that today.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, February 9, and are available on the Michigan Legislature website:

Senate Bill Nos. 110 111 112 113 114

**House Bill Nos. 4167 4168 4169 4170 4171 4172 4173 4174 4175 4176 4177 4178 4179
4180 4181 4182 4183 4184 4185 4186 4187 4188 4189**

Committee Reports

The Committee on Energy and Technology reported

Senate Bill No. 46, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9p.

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

Dan Lauwers
Chairperson

To Report Out:

Yeas: Senators Lauwers, Horn, LaSata, Nesbitt, Barrett, Bumstead, Bizon and Schmidt

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, February 9, 2021, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower
Present: Senators Lauwers (C), Horn, LaSata, Nesbitt, Barrett, Bumstead, Bizon, Schmidt, McCann, Brinks and Bullock

Excused: Senator McMorow

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Joint meeting held on Tuesday, February 9, 2021, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Theis (C), Horn, Runestad, Daley, Polehanki and Geiss

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, February 9, 2021, at 2:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators McBroom (C), Theis, Bizon and Irwin

Scheduled Meetings

Advice and Consent – Thursdays, February 11, February 18, and February 25, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5314

Appropriations and House Appropriations – Thursday, February 11, 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5307

Subcommittees –

Agriculture and Rural Development – Thursday, February 18, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Wednesdays, February 24 and March 10, 11:30 a.m. or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

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

Natural Resources and Environment, Great Lakes, and Energy – Tuesday, February 16, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Universities and Community Colleges – Thursday, February 11, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Health Policy and Human Services – Thursday, February 11, 1:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5323

Oversight – Tuesday, February 16, 2:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 11:00 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, February 11, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

