

**No. 86**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**101st Legislature**  
**REGULAR SESSION OF 2021**

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Senate Chamber, Lansing, Wednesday, October 27, 2021.

10:00 a.m.

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

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

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—present  
Moss—present  
Nesbitt—present

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

Senator Jeremy Moss of the 11th District offered the following invocation:

Three years ago today, on October 27, 2018, eleven Jewish worshippers were shot and killed at the Tree of Life synagogue in Pittsburgh, Pennsylvania in what is now believed to be the deadliest anti-Semitic attack in American history. The synagogue's Rabbi Jeffrey Myers survived the massacre and later delivered this invocation at the convening of the American Jewish Committee, and the following is an excerpt:

The word hate is a four-letter obscenity that must be discontinued from our discourse. It is a severe emotionally laden word that can and does lead to violent acts. I have chosen to not focus on the greens at the top of the weed, for if you pull them, the weed will sprout new greens. One must carefully excise the root, being certain to get rid of all of it. The H-word is at the root of much that is wrong with our country. And the path to repair begins with one easy step: Just don't use it. We must restore civil discourse to our nation. This is not a suggestion; it is an imperative. We must overwhelm those who spew forth H with more powerful four-letter words: Hope. Love. Care.

Elie Wiesel, in his role as chair of the United States Holocaust Commission, offered the following keen observations in his speech on September 27, 1979, which I paraphrase: "We must remember for our own sake, for the sake of our own humanity. Indifference to the victims would result, inevitably, in 'indifference to ourselves, an indifference that would ultimately no longer be sin but,'... a terrifying curse and its own punishment." Let us not be indifferent. Let us all make a difference. Amen.

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

### **Motions and Communications**

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

Senator Lauwers moved that Senators Shirkey and Stamas be excused from today's session. The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### **Messages from the House**

Senator Ananich entered the Senate Chamber.

#### **Senate Bill No. 686, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 9 (MCL 325.1009), as amended by 2017 PA 91.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

#### **Senate Bill No. 687, entitled**

A bill to establish a student opportunity scholarship program for eligible students; to provide for the certification of scholarship-granting organizations; to provide for student opportunity scholarship accounts; to prescribe conditions for use of the funds in the scholarship accounts; to provide for the administration of the student opportunity scholarship program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to allow certain tax credits and deductions.

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

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

The President, Lieutenant Governor Gilchrist, assumed the Chair.

**Senate Bill No. 688, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2020 PA 65, and by adding sections 279 and 679.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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:

**Senate Bill No. 562**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 562, entitled**

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 2 (MCL 125.2652), as amended by 2020 PA 259.

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. 415**

**Yeas—28**

Alexander	Chang	Lauwers	Outman
Ananich	Daley	MacDonald	Polehanki
Bayer	Geiss	McBroom	Schmidt
Bizon	Hertel	McCann	VanderWall
Brinks	Hollier	McMorrow	Victory
Bullock	Horn	Moss	Wojno
Bumstead	LaSata	Nesbitt	Zorn

**Nays—5**

Barrett	Johnson	Runestad	Theis
Irwin			

**Excused—2**

Shirkey	Stamas
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**Not Voting—1**

Santana

In The Chair: President

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. 416**

**Yeas—29**

Alexander	Daley	MacDonald	Polehanki
Ananich	Geiss	McBroom	Santana
Bayer	Hertel	McCann	Schmidt
Bizon	Hollier	McMorrow	VanderWall
Brinks	Horn	Moss	Victory
Bullock	LaSata	Nesbitt	Wojno
Bumstead	Lauwers	Outman	Zorn
Chang			

**Nays—5**

Barrett	Johnson	Runestad	Theis
Irwin			

**Excused—2**

Shirkey	Stamas
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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 President, Lieutenant Governor Gilchrist, designated Senator Moss 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 bills:

**House Bill No. 4501, entitled**

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 38.

**Senate Bill No. 463, entitled**

A bill to amend 2000 PA 161, entitled “Michigan education savings program act,” by amending sections 2 and 16 (MCL 390.1472 and 390.1486), section 2 as amended by 2010 PA 6.

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. 4778, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 270.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator Barrett offered the following resolution:

**Senate Resolution No. 89.**

A resolution to urge the federal government to allow persons under the age of 21 to operate commercial vehicles on interstate routes.

Whereas, In most states, including Michigan, drivers 18 years and older may obtain a commercial driver’s license (CDL) to operate commercial vehicles within state lines. However, federal regulations prohibit persons under the age of 21 from operating a commercial motor vehicle across state lines; and

Whereas, Since the start of the COVID-19 pandemic, trucking companies have lost between 5% to 15% of their drivers. Age restrictions on interstate trucking has made it more difficult to replace outgoing drivers exasperating an already tight labor market; and

Whereas, The Developing Responsible Individuals for a Vibrant Economy Act (DRIVE Safe Act) has been introduced in the United States Senate to address the shortage of truck drivers across the country. Introduced in March 2021, the DRIVE Safe Act would direct the U.S. Department of Transportation to create regulations to implement an apprenticeship program for licensed commercial motor vehicle drivers under the age of 21; require apprentice drivers to complete at least 400 hours of on-duty time and 240 hours of driving time with an experienced driver; and require all commercial motor vehicles used in the apprenticeship program to be equipped with safety technology. This legislation would ensure that individuals between the ages of 18 and 21, many of whom are already licensed and driving in their resident states, are trained and available to address the truck driver shortage. Further, the act will create additional career opportunities for young adults at the time they are entering the workforce; now, therefore, be it

Resolved by the Senate, That we urge the federal government to allow persons under the age of 21 to operate commercial trucks on interstate routes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Lauwers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Lauwers moved that the resolution be referred to the Committee on Transportation and Infrastructure. The motion prevailed.

Senator Outman offered the following resolution:

**Senate Resolution No. 90.**

A resolution to designate November 2021 as “Do Business with a Veteran Month”.

Whereas, United States (U.S.) military veterans, 634,000 from the state of Michigan, have sacrificed over the years for our liberties and freedoms, including the right to open a business; and

Whereas, Members and veterans of the Armed Forces of the United States develop a wide array of skills during their time of service that support entrepreneurship; and

Whereas, Many veterans build on their experience in the Armed Forces to start their own business after leaving active service; and

Whereas, Veterans form a vital part of the U.S. and Michigan’s labor force, and companies that hire veterans benefit from their diverse set of skills; and

Whereas, Veteran-owned businesses make up almost six percent of all businesses in the U.S., with an estimated \$947.7 billion in receipts, approximately 3.9 million employees, and about \$177.7 billion in annual payroll; and

Whereas, There are over 44,000 veteran-owned small businesses in the state of Michigan; and

Whereas, We owe our gratitude, thanks, and respect to those veterans, the businesses they run, and the businesses that hire them and wish to show our appreciation for their role in securing our nation and liberty; now, therefore, be it

Resolved by the Senate, That the members of this legislative body designate November 2021 as “Do Business with a Veteran Month”; and be it further

Resolved, That we encourage all Michigan citizens to seek out veteran-owned businesses and companies that hire veterans and honor them by doing business with them, not only in the month of November, but also year-round.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Lauwers moved that the rule be suspended.

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

The resolution was adopted.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Horn, Zorn, MacDonald, Bullock, LaSata, Chang, Lauwers, Ananich, VanderWall and Schmidt introduced

#### **Senate Bill No. 706, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 2b, 642, 665, and 665a (MCL 257.2b, 257.642, 257.665, and 257.665a), sections 2b and 665 as amended and section 665a as added by 2016 PA 332 and section 642 as amended by 2012 PA 498, and by adding sections 665c, 665d, and 666a.

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

#### **House Bill No. 4071, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 136b (MCL 750.136b), as amended by 2020 PA 49.

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

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

#### **House Bill No. 4072, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

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

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

#### **House Bill No. 4316, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 21903, 21905, 21907, 21909, 21911, 21913, 21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905, 333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919, 333.21921, and 333.21923), as added by 2017 PA 172, and by adding sections 21912, 21916, 21918, and 21920.

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 Health Policy and Human Services.

**House Bill No. 4722, entitled**

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” (MCL 125.3101 to 125.3702) by adding section 206b.

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

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

**House Bill No. 5089, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 21903, 21909, and 21911 (MCL 333.21903, 333.21909, and 333.21911), as added by 2017 PA 172, and by adding section 21909a.

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 Health Policy and Human Services.

**Statements**

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

The motion prevailed.

Senator Bizon’s statement is as follows:

I’d like to let the chamber know that this Friday, October 29 is World Stroke Day, a day to raise awareness of stroke risks and the actions that can be taken towards greater prevention.

According to a 2017 study by the American Academy of Neurology, severe stroke patients gain a week of healthy life for every minute that is saved in getting them to appropriate care. With each hour that passes before a patient is properly treated, the brain loses as many neurons as it does in almost 3.6 years of normal aging. In fact, for every minute a stroke is left untreated, the brain loses two million neurons, impacting the patient’s mobility and motor skills.

Patients treated with mechanical thrombectomy increase their life expectancy by five years more than patients who do not receive this very specialized treatment. The individual costs of not maintaining access and failing to improve our stroke triage and transport protocols are devastating, with potential lifelong disability or death for patients. The societal costs are also tremendous. On average, stroke costs the United States approximately \$46 billion each year in long-term care and rehabilitation. Let’s work together to provide access to this lifesaving treatment for patients throughout Michigan, and recognize October 29—this Friday—as World Stroke Day.

**Announcements of Printing and Enrollment**

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 27:

**House Bill Nos. 4071 4072 4316 4722 5089**

The Secretary announced that the following bills were printed and filed on Tuesday, October 26, and are available on the Michigan Legislature website:

**Senate Bill Nos. 702 703 704 705**

**House Bill No. 5481**

**Committee Reports**

The Committee on Education and Career Readiness reported

**Senate Bill No. 460, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1167.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Lana Theis  
Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad and Daley

Nays: Senator Geiss

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

The Committee on Education and Career Readiness reported

**House Bill No. 4343, entitled**

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

With the recommendation that the bill pass.

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

Lana Theis  
Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad and Daley

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education and Career Readiness reported

**Senate Resolution No. 86.**

A resolution to condemn the U.S. Department of Justice memorandum on intimidation and harassment against school board members for inhibiting parents' constitutional right to free speech.  
(For text of resolution, see Senate Journal No. 83, p. 1756.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

Whereas, On October 4, 2021, the U.S. Attorney General released a memorandum directed at employees of the Department of Justice (DOJ) concerning threats against school administrators, board members, teachers, and school staff across the country. The memo cites an increase in "harassment, intimidation, and threats of violence" and calls for the Federal Bureau of Investigation (FBI) to coordinate with local law enforcement to facilitate a discussion of strategies for addressing and responding to these threats; and

Whereas, While there is no debate regarding the need to protect public servants from all credible threats of violence, the vague language used in the memo is likely to obstruct another vitally important public interest – the freedom of speech. It is unclear what types of speech may be considered to be "intimidation" or "harassment," and the uncertainty is likely to have a chilling effect on school board participation. Parents with legitimate concerns about school issues may be hesitant to passionately advocate for their children under the threat of federal intervention; and

Whereas, The memo also sends an insulting message that inaccurately characterizes the concerns of many parents. The memo implies that parents who oppose a particular agenda are expected to be violent and that federal intervention is needed to protect others from their viewpoints. This type of statement demonizes invested parents who share the goal of educating students and protecting them from harmful policies. The associated stigma will further impede the ability of parents to voice their concerns; now, therefore, be it

Resolved by the Senate, That we condemn the October 4, 2021 U.S. Department of Justice memorandum for inhibiting parents' constitutional right to free speech; and be it further

Resolved, That we call on the State Board of Education to refrain from participating in any actions that will further limit the First Amendment rights of parents and encourage local districts to do the same; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Attorney General and the State Superintendent of Public Instruction.

Lana Theis  
Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad and Daley

Nays: Senator Geiss

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.



## COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, October 26, 2021, at 12:00 noon, Room 1300, Binsfeld Office Building

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

Excused: Senator Polehanki

The Committee on Government Operations reported

**Senate Bill No. 597, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 105d and 109f (MCL 400.105d and 400.109f), section 105d as amended by 2018 PA 208 and section 109f as amended by 2017 PA 224.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Mike Shirkey

Chairperson

To Report Out:

Yeas: Senators Shirkey, Lauwers and Nesbitt

Nays: Senator Chang

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

The Committee on Government Operations reported

**Senate Bill No. 598, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100d, 116, 151, 153, 165, 202, 204, 204b, 206, 207, 207a, 208, 209a, 209b, 210, 226, 227, 232, 270, 271, 274, 275, 287, 409, 705, 713, 748, 752, 754, 755, and 972 (MCL 330.1100d, 330.1116, 330.1151, 330.1153, 330.1165, 330.1202, 330.1204, 330.1204b, 330.1206, 330.1207, 330.1207a, 330.1208, 330.1209a, 330.1209b, 330.1210, 330.1226, 330.1227, 330.1232, 330.1270, 330.1271, 330.1274, 330.1275, 330.1287, 330.1409, 330.1705, 330.1713, 330.1748, 330.1752, 330.1754, 330.1755, and 330.1972), section 100d as amended by 2020 PA 99, section 116 as amended by 1998 PA 67, section 151 as amended by 2021 PA 21, sections 153, 206, 209a, 209b, 232, and 752 as amended by 1995 PA 290, section 165 as amended by 2021 PA 22, section 202 as amended by 2016 PA 320, section 204 as amended by 2012 PA 376, section 204b as added by 2002 PA 594, sections 207, 227, 705, 713, and 755 as added by 1995 PA 290, section 207a as added by 2014 PA 28, sections 208 and 210 as amended and sections 270, 271, 274, 275, and 287 as added by 2012 PA 500, section 226 as amended by 2014 PA 266, section 409 as amended by 2020 PA 402, section 748 as amended by 2016 PA 559, section 754 as amended by 2006 PA 604, and section 972 as added by 2020 PA 402, and by adding sections 760 and 761; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Mike Shirkey

Chairperson

To Report Out:

Yeas: Senators Shirkey, Lauwers and Nesbitt

Nays: Senator Chang

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, October 26, 2021, at 1:15 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Shirkey (C), Lauwers, Nesbitt, Ananich and Chang

The Committee on Regulatory Reform reported

**House Bill No. 4711, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2020 PA 121.

With the recommendation that the bill pass.

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

Aric Nesbitt  
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, October 26, 2021, at 3:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Zorn, Moss and Wojno

Excused: Senator Polehanki

#### COMMITTEE ATTENDANCE REPORT

The Committee on Environmental Quality submitted the following:

Meeting held on Tuesday, October 26, 2021, at 1:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Outman (C), Daley, Johnson, VanderWall, McBroom, Bayer and Brinks

#### COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 26, 2021, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Lauwers (C), Horn, LaSata, Nesbitt, Barrett, Bumstead, Bizon, Schmidt, McCann, Brinks, McMorro and Bullock

#### COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, October 26, 2021, at 2:00 p.m., Room 1300, Binsfeld Office Building

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

#### Scheduled Meetings

**Judiciary and Public Safety** – Tuesday, November 2, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

**State Drug Treatment Court Advisory Committee** – Monday, November 1, 4:00 p.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (517) 373-0212

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 10:26 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, October 28, 2021, at 10:00 a.m.

MARGARET O'BRIEN  
Secretary of the Senate