

No. 85
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Tuesday, October 26, 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—present
Moss—present
Nesbitt—present

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

Senator Mallory McMorrow of the 13th District offered the following invocation:

May we come together this morning humbled by—and in celebration of—the vibrancy and diversity of our communities. May we find ourselves driven not by dismissiveness and divisiveness towards one another but by a consistent sense of curiosity and a desire to learn; and in that learning may we recognize that underneath the differences in our skin color, language, religion, dress, traditions, or expression, that we share so much more that binds us together—the purpose to leave our place in the world better than we found it in whatever way we can.

May we be humbled by and inspired by the knowledge that each of us are just one small part of something much greater. But may we take comfort in knowing that each action we take, no matter how small, has the power to reverberate throughout our community and grow, and that the power of our collective action will create a lasting impact.

To all that we hold as our higher power or inspiration. Amen.

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

Senator Bullock entered the Senate Chamber.

Motions and Communications

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

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

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

The following communication was received:
City of Ypsilanti

October 20, 2021

At our October 19, 2021, regular meeting, the Ypsilanti City Council passed Resolution No. 2021-228 regarding Public Act 336.

Thank you in advance for your consideration on this very important matter.

Sincerely,
Andrew Hellinga
City Clerk

The communication was referred to the Secretary for record.

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

October 26, 2021

I respectfully request to be added as a cosponsor to Senate Bill 460.
Thank you.

Sincerely,
Ruth A. Johnson
State Senator
14th District

The communication was referred to the Secretary for record.

Senator Lauwers moved that the Committee on Education and Career Readiness be discharged from further consideration of the following bills:

House Bill No. 5404, 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.

House Bill No. 5405, 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 motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Lauwers moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5404

House Bill No. 5405

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

Senators Hollier and Ananich entered the Senate Chamber.

Recess

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

10:55 a.m.

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

During the recess, Senator Moss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bumstead, Outman, McBroom, MacDonald, Daley, Bizon and Schmidt introduced

Senate Bill No. 702, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senators McBroom, Outman, Bumstead, MacDonald, Daley, Bizon and Schmidt introduced

Senate Bill No. 703, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senators MacDonald, Bumstead, Outman, McBroom, Daley, Bizon and Schmidt introduced

Senate Bill No. 704, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2022; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senator Irwin introduced

Senate Bill No. 705, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 3a (MCL 15.263a), as amended by 2021 PA 54.

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received and read:

October 25, 2021

I am writing to inform you of my withdrawal of the following appointment submitted to your office on September 30, 2021, pursuant to Article V § 3 of the Michigan Constitution of 1963:

Director of the Department of Technology, Management and Budget

Mrs. Julia A. Dale of 2599 Horstmeyer Road, Lansing, Michigan 48911, county of Ingham, succeeding Thomas A. Stibitz, appointed for a term commencing October 18, 2021 and expiring at the pleasure of the Governor.

Respectfully,
Gretchen Whitmer
Governor

The message was referred to the Committee on Advice and Consent.

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 Alexander 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 11:04 a.m.

11:36 a.m.

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Nesbitt, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 601, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding sections 1136a and 1136b.

House Bill No. 5404, 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.

House Bill No. 5405, 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.

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 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:

Senate Bill No. 600, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1177 (MCL 380.1177), as amended by 2013 PA 121, and by adding section 1177b.

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.

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

Senate Bill No. 602, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5111a.

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.

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

Senate Bill No. 603, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453), section 2253 as amended by 2006 PA 157.

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 returned to the order of

Motions and Communications

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

Senate Bill No. 600

Senate Bill No. 601

Senate Bill No. 602

Senate Bill No. 603

House Bill No. 5404

House Bill No. 5405

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 bills:

House Bill No. 4207

House Bill No. 4059

- Senate Bill No. 600**
- Senate Bill No. 601**
- Senate Bill No. 602**
- Senate Bill No. 603**
- House Bill No. 5404**
- House Bill No. 5405**
- Senate Bill No. 103**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4207, 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 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. 403

Yeas—34

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

Nays—0

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4059, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109n.

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. 404

Yeas—34

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

Nays—0

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 600, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1177 (MCL 380.1177), as amended by 2013 PA 121, and by adding sections 1177b and 1177c.

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. 405

Yeas—19

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

Nays—15

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

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

Protests

Senators Bayer, Moss, Geiss, Brinks and Chang, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 600.

Senator Bayer moved that the statement she made during the discussion of the bill be printed her reasons for voting “no.”

The motion prevailed.

Senator Bayer’s statement, in which Senators Moss, Geiss, Brinks and Chang concurred, is as follows:

I’ve just got to say, there are times like these when I feel like we’re on a merry-go-round here. My head is spinning with the political rhetoric in this room day after day, round after round. Rather than working on issues that better our residents’ lives, we’re spending time and energy debating and voting on legislation that is nothing more than spin—political rhetoric.

Senate Bill No. 600 and its companions, Senate Bill Nos. 601, 602 and 603, are actually dangerous political rhetoric. We are almost two years into this deadly pandemic caused by a novel virus. There is much still that we don’t know, but we do know this: vaccines and masks slow the spread of COVID-19, they reduce severe illness, reduce long COVID and reduce deaths. This isn’t up for debate anymore. Opinions are not equivalent to facts. In this room, we all know people who have suffered from COVID and we know people who are suffering now from long COVID and people who have died from it. This pandemic is not a political game. We’re talking about real people suffering.

A new CDC study published this month in the journal *Pediatrics* shows that one U.S. child loses a parent or caregiver for every four COVID-19 deaths. And we've already had more than 21,000 individuals lost in Michigan. It's not rhetoric to those families, it's personal. One of those people sat here, one sat down the hall, and yet, here we are again, debating this anti-vaxx and anti-mask nonsense. Stop with perpetuating this crisis—stop.

People are believing what you're telling them. People are drinking your Kool-Aid. These bills are dangerous. We've all seen stories on the news, people on their deathbeds, in the hospital, proud that they didn't get vaccinated, as they died. Still believing the nonsense that they're listening to—not the reality of vaccines and health practices that are proven effective against COVID. Proud, as they died. Think about the things that you're saying.

Colleagues, I am voting “no” on this legislation because it only serves to continue chasing lies. I urge you to vote “no”.

Senators Barrett, Geiss and Theis 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:

The speakers who addressed this issue ahead of me illustrated the exact reason why this bill and the companion bills are necessary for us to pass. If you are a parent who wants to exempt your child from the COVID-19 vaccine because you believe your child isn't ready for that, or isn't required to receive it, or can get by just fine without it, then the idea that you would be ridiculed for that decision, or not able to make that decision on your own accord, or that you can't have the choice to decide for yourself and for your children what you ought and ought not be administering to your children is precisely why these bills are necessary. We have seen time and time again parents stepping up on behalf of their own children to make their own decisions on behalf of their kids and see nothing but the government intrude on them to stand in their way. And, if you dare speak up at a school board meeting you'll now be branded as a domestic terrorist and possibly have the FBI come knocking on your door.

That's why we need legislation that protects and defines clearly, draws a line in the sand and says these are our rights as parents, that the government cannot cross. And, you're not going to intimidate us and you're not going to stand in our way from doing what we think is the right thing for our own children and our own selves in this situation.

Senator Geiss' statement is as follows:

For those who don't know, back in December 2014—before most of us were here—the Joint Committee on Administrative Rules actually passed the rule that is used by parents and guardians to determine whether or not they're going to have their child or their charge vaccinated. That process is very simple. You go to your county health department to receive a waiver. This bill—this set of bills—is remarkably unnecessary because there's already a process in place that this body when it had the majority that it currently has in both chambers through the Joint Committee on Administrative Rules—what we call JCAR around here—set up the process for getting a vaccine waiver, regardless of the vaccine, whether it's the MMR, whether it's chickenpox, whether it's the current vaccine that is soon about to be available to children 5 and up. This is patently pointless—pointless—we already have a process.

Senator Theis' statement is as follows:

Despite all of the conversation to the contrary, these bills aren't just about vaccines. They're about treating our children differently when the parents choose to opt them out of an authorized vaccine. Also, about making sure that the children have access to a constitutionally-mandated education, that it be available to them.

Today before us is a package of bills that would ensure that parents—not school administrators—have the final say over their children's health. Together with the Senators from the 21st and 24th districts, we introduced these bills regardless of the efficacy of masks and vaccines at combating COVID-19 because the parents are responsible for their children's health and well-being, not the bureaucracy. Access to free public education is a guaranteed right in our State Constitution. A child should never be denied access to their constitutional rights over a governmental policy. We should remember that public schools are government entities and as such are held to the same standards as any other public institution, ultimately accountable to the people of Michigan.

A few months ago, members of this legislative body called efforts to prohibit vaccine mandates absurd, saying there was no way government would create these mandates. My, what a difference a few weeks make.

Now it’s perfectly acceptable for parents to be required to co-parent with the government because it fits a political narrative. Just because you disagree with another parent’s decision, you have no right to make that decision for them.

To be clear, COVID-19 does not discriminate between Republicans and Democrats, it’s not a partisan virus, and it has affected us all. But instead of bringing us together, forcing vaccines and mask mandates upon our citizens has driven us further apart. There is data that show the areas with strict mandates do not have better outcomes than those without, yet strict mandates that ignore natural immunity, ignore religious and conscientious objections, and fail to account for individual health concerns is the direction being taken by our universities, major corporations, and even our federal government. The recent executive mandate working its way through OSHA’s rule promulgation process has heightened the divide and further politicized the COVID-19 response. Interestingly, this is speaking to human nature rather than the efficacy of masks or vaccines themselves. Americans are an independent group. We react accordingly.

Together this package would prohibit schools from requiring an emergency use COVID-19 vaccine as a condition of attending public school; riding a school bus; attending a school-sponsored event; or participating in school sports, band, theater, or other activities. Once approved, under current law the vaccine must be subject to a waiver process stipulated in statute that currently exists for other vaccines. It also prohibits schools from discriminating between vaccinated and unvaccinated students and prohibits schools from requiring that a parent receive a vaccination in order to attend a school board meeting. The package would require that schools that implement a face mask requirement provide an opt-out provision for students to attend school, ride the bus, or participate in any activities. It would also prohibit schools from discriminating between those students who have requested or received a waiver and those who have not. It prohibits schools from testing asymptomatic students for them to be able to attend school, ride the bus, or participate in activities. Further, it prohibits the school from requiring someone who is asymptomatic from being tested for COVID-19 in order to attend a school board meeting. Finally, I’d like to note that this is consistent with the actual risk associated for this population group. Their parents, their family members, who are adults, already have the option and access to vaccines should they choose to get it.

I ask that you join me in supporting this important package.

The following bill was read a third time:

Senate Bill No. 601, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding sections 1136a and 1136b.

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. 406

Yeas—19

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

Nays—15

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

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 602, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5111a.

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. 407

Yeas—19

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

Nays—15

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

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 603, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453), section 2253 as amended by 2006 PA 157.

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. 408

Yeas—19

Barrett	Johnson	Nesbitt	Theis
Bizon	LaSata	Outman	VanderWall

Bumstead	Lauwers	Runestad	Victory
Daley	MacDonald	Schmidt	Zorn
Horn	McBroom	Shirkey	

Nays—15

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

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

Protests

Senators Hertel, Bullock, Wojno, Alexander, Ananich, Santana and Hollier, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 600, 601, 602, and 603.

Senator Hertel moved that the statement he made during the discussion of Senate Bill No. 600 be printed as his reasons for voting “no.”

The motion prevailed.

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

While this place gets sillier and sillier and while we continue the policy of this body to do nothing to stem the pandemic, that our only strategy is to shut our eyes because we don’t want to see the train coming, it is easy to dismiss these bills as just political rhetoric and nonsense and just ignore it and let it go and forget about giving speeches again and just pretend like this is what this body has become and we’re all OK with that.

But, we have reached a point well beyond that where this body is actually putting Michigan’s citizens in danger. I have now watched for week after week the Health Policy and Human Services Committee and the Education and Career Readiness Committee turn into a place where conspiracy theories, lies, and nonsense reign. That this body—the official record of the Michigan Senate—is being used to espouse things that are absolutely false and dangerous and lead to questions about the basic medical recommendations that will help stem this pandemic. All of us want this pandemic to end. All of us are tired of masks and having to worry about the virus on a regular basis. We’re all tired of it. It’s just that some of us in this body are actually willing to do things that will end the pandemic. Others would rather continue to make political speeches, promote conspiracy theories, and put a place in to allow for dangerous rhetoric to be spread among our state. Again, it would be easy to dismiss this as just political games if it wasn’t so damn dangerous to the future of this state.

I ask that you vote “no” on these bills, not because of the ridiculous policy that’s contained in them that is not needed in any real way, shape, or form, but instead as a rejection of the conspiracy-laden nonsense that this building has become.

The following bill was read a third time:

House Bill No. 5404, 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 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. 409

Yeas—19

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

Nays—15

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

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

Senator Lauwers moved that the bill be given immediate effect.
 The motion did not prevail, 2/3 of the members serving not voting therefor.
 The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5405, 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 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. 410

Yeas—19

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

Nays—15

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

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts,”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 103, entitled

A bill to provide for the rights of certain electric transmission line owners; to impose certain requirements on certain electric transmission line owners; and to provide for the powers and duties of certain state agencies.

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. 411**Yeas—28**

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

Nays—6

Barrett	Johnson	Runestad	Thisis
Bumstead	Nesbitt		

Excused—2

Polehanki

Stamas

Not Voting—0

In The Chair: Nesbitt

Senator Lauwers moved that the bill be given immediate effect. The motion prevailed, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

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 pro tempore, Senator Nesbitt, designated Senator Alexander as Chairperson.

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

House Bill No. 5267, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending sections 4a and 25 (MCL 205.54a and 205.75), section 4a as amended by 2018 PA 673 and section 25 as amended by 2021 PA 38.

House Bill No. 4485, entitled

A bill to amend 1937 PA 94, entitled “Tobacco products tax act,” by amending section 7 (MCL 205.427), as amended by 2016 PA 86.

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:

Senate Bill No. 153, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 4 and 21 (MCL 205.94 and 205.111), section 4 as amended by 2018 PA 679 and section 21 as amended by 2020 PA 30.

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.

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 bills, now on Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4485

House Bill No. 5267

Senate Bill No. 153

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 bills:

House Bill No. 4485

House Bill No. 5267

Senate Bill No. 153

The motion prevailed.

The following bill was read a third time:

House Bill No. 4485, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 7 (MCL 205.427), as amended by 2016 PA 86.

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. 412

Yeas—28

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

Nays—6

Bayer	Chang	McBroom	McMorrow
Bizon	Irwin		

Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the administration, collection, and disposition of the tax; to levy an assessment; to provide for the administration, collection, defense, and disposition of the assessment; to provide for the enforcement of this act; to provide

for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; to make and supplement appropriations; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5267, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending sections 4a and 25 (MCL 205.54a and 205.75), section 4a as amended by 2018 PA 673 and section 25 as amended by 2021 PA 38.

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. 413

Yeas—32

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

Nays—2

McBroom	Theis
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Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

Senator Lauwers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Brinks’ statement is as follows:

Colleagues, like many of you, I’ve picked up a couple of nicknames along the way in this job, for better or for worse, but one I wear with honor is the “tampon tax lady”. I’m proud to have a part in eliminating the sales and use tax on these medically necessary products, a move that will put \$7 million back in the pockets of Michigan families.

This is a commonsense move that will reduce an unfair tax burden that is placed on only half of Michigan’s population, for a significant portion of our lives. Establishing parity between these products and things such as medical devices just makes sense. A growing number of states and countries have already eliminated these taxes, and the U.S. federal government, under the last administration, recognized feminine hygiene products as a qualified medical expense for health savings accounts.

With your support, these bills will move Michigan toward a fairer tax structure, which is a goal I think we all share, regardless of which side of the aisle we sit on. Finally, I want to note that eliminating the “tampon tax” is an issue that I’ve been working towards since I was a member of the House of Representatives. Like many good policies, it can take years to finally get these bills over the finish line. For much of the past decade, Senators and Representatives have introduced this legislation and continued the conversation about its importance. Of the currently serving legislators who have committed their time and attention to this effort, I find myself in the position of being the one who has carried the torch the longest. With this issue, like so many others, I stand on the shoulders of those who come before me, and I also want to express my gratitude to them, and to those who walked alongside me to get this legislation to this point today.

Thank you Mr. President; and colleagues, I welcome your support.

The following bill was read a third time:

Senate Bill No. 153, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 4 and 21 (MCL 205.94 and 205.111), section 4 as amended by 2018 PA 679 and section 21 as amended by 2020 PA 30.

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. 414

Yeas—32

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

Nays—2

McBroom	Theis
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Excused—2

Polehanki	Stamas
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Not Voting—0

In The Chair: Nesbitt

Senator Lauwers moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protests

Senators McBroom and Theis, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5267 and Senate Bill No. 153 and moved that the statements they made during the discussion of House Bill No. 5267 be printed as their reasons for voting “no.”

The motion prevailed.

Senator McBroom’s statement is as follows:

It’s easy to vote for something that appeals to some of the ideals on both sides. Tax cuts and support for demographic groups that have faced previous discrimination are powerful tools that motivate and when they coincide, they can be unstoppable. But, I believe this issue is far more complicated than the simple surface definitions. Our state faced a real crisis—a real tax crisis—in the past, a property tax crisis. After many years of debate and real problems, a major part of that solution was found in utilizing the sales tax in Proposal A. Since then, we’ve been gutting the stability of those reforms for the last two decades with multiple carve-outs and special exemptions to property taxes, whether that be for family transfers or the dark stores problem, the property tax situation becomes dire again.

Now we’re starting with proposals to undermine the sales tax portion of those reforms. I believe this undermines the broadness and the scope of the sales tax and while I believe that such a change might be worthy, without a broader discussion on completely reforming, overhauling, and updating Proposal A and its impact, I believe that this is an unwise policy at this time.

Senator Theis’ statement is as follows:

I’d just like to make note, I have received way more interaction from parents who are very, very concerned about the mask mandates and the vaccine mandates and free access to education for their children than they are for taxes on menstrual products.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Runestad’s statement is as follows:

Recently, we learned that the nation’s largest school board association asked the Biden administration to investigate alleged threats by parents who objected to certain school policies and issues of radical indoctrination. According to the National School Board Association, these parents were engaging in acts of domestic terrorism. In a letter, the NSBA leaders wrote that, “acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes.” Based then on this memo, the Attorney General, Merrick Garland, fired off a memo to the FBI directing it to coordinate the nation’s 14,000 school districts. He instructed the Department of Justice’s National Security Division—the division dedicated to fighting terrorism—to investigate these parents.

Are vast numbers of school board members coming under violent attack by these protesting parents? No. To date, a few—a little over 20 arrests nationally—were cited by the NSBA letter. These included aggravated battery and/or disorderly conduct and were handled in the appropriate jurisdiction by local law enforcement, not the FBI’s division for fighting terrorism.

The real issue here is about weaponizing federal authorities against parents for speaking out. The real issue here is attempting to silence parents through intimidation, smear, and coercion. A good example of this is what happened to Mr. Scott Smith, a father in Loudoun County, Virginia. Mr. Smith was arrested at a school board meeting for accusing the district of covering up the vicious rape and sodomy of his daughter in the girl’s bathroom by a male student. As he attempted to deliver his remarks, law enforcement officers sprang into action, physically arresting and removing him. The national school board letter suggested his behavior was an example of domestic terrorism.

Well now, who is telling the truth? Newly released e-mails revealed that the Loudoun schools superintendent, who denied having any record of a female student being raped, reported the assault to the

school board that day of the attack and then covered it up. Worse, according to the Loudoun County prosecutor, the same boy was then transferred to another school and has now been arrested and charged, reportedly involving another sexual assault, now on a different girl. Just exactly how placidly would you react if that was your daughter?

Obviously, we can all agree, violence and intimidation have no place in the public arena, but the overwhelming number of parents targeted by the DOJ are not violent individuals. They are parents just like you and me with great love and passion for their children, concerned for their children’s safety and what is being taught in their classroom.

And, despite what some on the left have declared recently, parents should have a say in what is going on in their schools. The very purpose of our First Amendment is for the protection of the unanointed voices, the voices speaking up to power. If parents are unhappy about their children’s education, they have every right to speak up to the school board and be heard. It is appalling and chilling to know that if you raise your voice opposing those in power, the federal government may just label you as a potential domestic terrorist. Our mothers and fathers here in Michigan will not be intimidated. I am grateful to the parents in our state who are standing up, speaking out in a nonviolent manner, and letting their voices be heard.

Senator Hollier’s statement is as follows:

I just want to again highlight the lead exceedance in Hamtramck, today the city is giving out about 1,300 filters because there are concerns about the water. As the father of a little kid who had to deal with that, there’s nothing scarier than seeing those numbers, there’s nothing scarier than getting the results, and the big challenge that we have is that we didn’t test enough children last year. Because of the pandemic, we tested fewer children for lead than we ever have. So it’s important that even in this moment where we are recognizing and getting more symptoms, and finding more issues because we are doing a better job of testing the system overall, we’re still failing to test as many children as we had in the past. It’s a collective responsibility that we really need to step up into.

I am really excited, and I want to say thank you to a couple of individuals, the Great Lakes Ice Mountain folks and the Great Lakes Beer and Wine folks really stepped up this week to ensure that the citizens of Hamtramck had clean, bottled water. One thousand cases of water were delivered today through a complex set of logistics and so I just want to thank the community for stepping up to wrap their arms around Hamtramck and to talk about how over the next couple of weeks and months, and year, we are going to have to do more of this.

Today was in Hamtramck, last year it was Benton Harbor, a couple years ago it was Flint, but going forward we are going to have more communities that have lead exceedances. That is even noting that the standard that we are using is not what we would consider safe. There is no safe, there is no acceptable amount of lead in water, yet we are only tracking and flagging when there are over 12 parts-per-billion. We know that that number is still higher than we want any of our children drinking from, any of our pregnant wives or family dealing with, but it is going to be the standard until we decide to spend as a state the resources necessary to get all of the lead service lines out of pipes, out of streets, and away from children.

Announcements of Printing and Enrollment

The Secretary announced that the following bills and resolution were printed and filed on Thursday, October 21, and are available on the Michigan Legislature website:

Senate Bill Nos.	696	697	698	699	700	701									
Senate Resolution No.		88													
House Bill Nos.	5449	5450	5451	5452	5453	5454	5455	5456	5457	5458	5459	5460	5461		
	5462	5463	5464	5465	5466	5467	5468	5469	5470	5471	5472	5473	5474		
	5475	5476	5477	5478	5479	5480									

Committee Reports

The Committee on Health Policy and Human Services reported **House Bill No. 4667, entitled**

A bill to prohibit COVID-19 vaccination passports and the use of an individual’s COVID-19 vaccination status for certain purposes; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe remedies.

With the recommendation that the bill pass.

Curtis S. VanderWall
Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald and Theis

Nays: Senators Brinks, Hertel, Santana and Wojno

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Human Services submitted the following:

Meeting held on Thursday, October 21, 2021, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators VanderWall (C), Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Scheduled Meetings

Elections – Wednesday, October 27, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5323
(CANCELLED)

Families, Seniors, and Veterans – Wednesday, October 27, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-1721

Finance – Wednesday, October 27, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Insurance and Banking – Wednesday, October 27, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

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

Transportation and Infrastructure – Wednesday, October 27, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5323

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 12:47 p.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, October 27, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

