

No. 17
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Tuesday, February 22, 2022.

10:00 a.m.

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

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

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

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

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

Senator Ruth A. Johnson of the 14th District offered the following invocation:

Most gracious and heavenly Father, we acknowledge Your sovereignty as we conduct our business on behalf of the people of Michigan. Your name was the hope that founded this nation. Your Word established our three branches of government. The prophet Isaiah wrote in chapter 33, verse 22, “For the Lord is our judge,”—the judicial branch—“the Lord is our lawgiver,”—the legislative branch—“the Lord is our king;”—the executive branch—“it is He who will save us.”

Father, Your name is a strong tower, we petition You to use this body of lawmakers to restore the greatness of the Great Lakes state. We humbly ask this in the name of Jesus. Amen.

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

Senator Nesbitt entered the Senate Chamber.

Motions and Communications

Senator Stamas entered the Senate Chamber.

Senator Chang moved that Senator Geiss be temporarily excused from today’s session.
The motion prevailed.

The following communication was received and read:
Office of the Auditor General

February 15, 2022

Enclosed is a copy of the following report:

- Report on Internal Control, Compliance, and Other Matters of the State Sponsored Group Insurance Fund (071-0143-22).

Sincerely,
Doug Ringle
Auditor General

The audit report was referred to the Committee on Oversight.

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.

10:46 a.m.

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

During the recess, Senator Geiss entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

February 18, 2022

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 250 of 1982, MCL 722.604:

Child Abuse and Neglect Prevention Board “Children’s Trust Fund”

Dr. Stanley D. Hannah of 23370 Mystic Forest Drive, Novi, Michigan 48375, county of Oakland, reappointed to represent business, for a term commencing February 18, 2022 and expiring December 19, 2024.

Ms. Paula J. Herbart of 3027 Westchester Road, Lansing, Michigan 48911, county of Ingham, succeeding Willie Dubas whose term has expired, appointed to represent organized labor, for a term commencing February 18, 2022 and expiring December 19, 2024.

Mr. Travis M. Spencer of 17235 Euclid Avenue, Allen Park, Michigan 48101, county of Wayne, succeeding Lauren Rakolta whose term has expired, appointed to represent business, for a term commencing February 18, 2022 and expiring December 19, 2024.

February 18, 2022

Pursuant to Public Act 114 of 1949, MCL 390.802, please be advised of the following appointment to office:

Ferris State University Board of Trustees

Mr. Michael D. Ryan of 327 South Stewart Avenue, Big Rapids, Michigan 49307, county of Mecosta, succeeding Kari Sederberg who has resigned, appointed for a term commencing February 18, 2022 and expiring December 31, 2026.

February 18, 2022

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 164 of 1975, MCL 18.302:

Hispanic/Latino Commission of Michigan

Dr. Jesse M. Bernal of 960 Oakleigh Road, N.W., Grand Rapids, Michigan 49504, county of Kent, reappointed for a term commencing February 18, 2022 and expiring December 10, 2024.

Mrs. Juanita Bocanegra of 707 Garden Ridge Drive, Holland, Michigan 49423, county of Ottawa, reappointed for a term commencing February 18, 2022 and expiring December 10, 2024.

Mr. Anthony W. Garcia-Rubio of 1021 Chestnut Street, Cadillac, Michigan 49601, county of Wexford, reappointed for a term commencing February 18, 2022 and expiring December 10, 2024.

Ms. Sonya M. Hernandez of 1053 Becker Road, Muskegon, Michigan 49445, county of Muskegon, reappointed for a term commencing February 18, 2022 and expiring December 10, 2024.

Commissioner Monteze O. Morales of 1231 Banbury Road, Kalamazoo, Michigan 49001, county of Kalamazoo, succeeding Jessica Cruz who has resigned, appointed for a term commencing February 18, 2022 and expiring December 10, 2022.

Mrs. Aurora Saucedo of 3609 Dale Avenue, Flint, Michigan 48506, county of Genesee, filling a vacancy, appointed for a term commencing February 18, 2022 and expiring December 10, 2023.

Ms. Angelita Valdez of 1486 James Avenue, Muskegon, Michigan 49442, county of Muskegon, succeeding Jeremiah Hernandez whose term has expired, appointed for a term commencing February 18, 2022 and expiring December 10, 2024.

February 18, 2022

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Northern Michigan University Board of Trustees

Ms. Melissa A. Holmquist of 1034 N. Front Street, Marquette, Michigan 49855, county of Marquette, succeeding Donna Murray-Brown who has resigned, appointed for a term commencing February 18, 2022 and expiring December 13, 2026.

February 18, 2022

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.18821:

Michigan Board of Veterinary Medicine

Dr. Timothy Hunt of 2361 U.S. Highway 41 South, Marquette, Michigan 49855, county of Marquette, succeeding Amy Hicswa who has resigned, appointed to represent veterinarians, for a term commencing February 18, 2022 and expiring December 31, 2022.

Dr. Lauren E. Walker of 27900 Berkshire Drive, Southfield, Michigan 48076, county of Oakland, succeeding Dwight McNally whose term has expired, appointed to represent veterinarians, for a term commencing February 18, 2022 and expiring December 31, 2025.

February 18, 2022

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 48 of 1963 (2nd Ex. Sess.), MCL 390.551:

Western Michigan University Board of Trustees

Mr. Jon B. Hoadley of 2720 Parkview Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, succeeding Ron Kitchens who has resigned, appointed for a term commencing February 18, 2022 and expiring December 31, 2024.

Respectfully,
Gretchen Whitmer
Governor

The appointments were referred to the Committee on Advice and Consent.

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

Senator Lauwers moved that the Senate proceed to consideration of the following bill:
House Bill No. 4242
The motion prevailed.

The following bill was read a third time:
House Bill No. 4242, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 48729 (MCL 324.48729), as amended by 2018 PA 643.
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. 32

Yeas—37

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

Nays—1

Brinks

Excused—0

Not Voting—0

In The Chair: Theis

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; 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. 4693, entitled

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

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. 33

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Theis

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 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. 5294, entitled

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

The 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. 34

Yeas—38

Alexander	Geiss	McBroom	Schmidt
Ananich	Hertel	McCann	Shirkey
Barrett	Hollier	McMorrow	Stamas
Bayer	Horn	Moss	Theis
Bizon	Huizenga	Nesbitt	VanderWall

Brinks	Irwin	Outman	Victory
Bullock	Johnson	Polehanki	Wojno
Bumstead	LaSata	Runestad	Wozniak
Chang	Lauwers	Santana	Zorn
Daley	MacDonald		

Nays—0

Excused—0

Not Voting—0

In The Chair: Theis

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 prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,”
The Senate agreed to the full title.

The following bill was read a third time:
House Bill No. 5449, entitled
A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30i (MCL 125.2330i), as amended by 2005 PA 162, and by adding section 30j.
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. 35

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Theis

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 create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts,”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Theis, designated Senator Huizenga as Chairperson.

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

Senate Bill No. 791, entitled

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

House Bill No. 5090, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 551 (MCL 436.1551), as amended by 2021 PA 64.

The bills were placed on the order of Third Reading of Bills.

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

House Bill No. 4084, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8905a (MCL 324.8905a), as amended by 2014 PA 549.

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 Environmental Quality.

House Bill No. 5058, entitled

A bill to amend 2000 PA 92, entitled “Food law,” by amending section 1105 (MCL 289.1105), as amended by 2014 PA 516.

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. 5060, entitled

A bill to amend 2020 PA 220, entitled “Industrial hemp growers act,” by amending section 609 (MCL 333.29609), as amended by 2021 PA 4.

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. 5061, entitled

A bill to amend 2014 PA 547, entitled “Industrial hemp research and development act,” by amending the title and sections 2 and 7 (MCL 286.842 and 286.847), the title as amended and section 7 as added by 2018 PA 641 and section 2 as amended by 2021 PA 61.

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. 5304, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 552.

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. 5617, entitled

A bill to amend 2000 PA 92, entitled “Food law,” by amending section 1109 (MCL 289.1109), as amended by 2018 PA 92, and by adding section 7136.

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.

The President pro tempore, Senator Nesbitt, assumed the Chair.

By unanimous consent the Senate returned to the order of
Resolutions

Senators Irwin, Stamas, Santana, McBroom, Polehanki, Johnson and Schmidt offered the following resolution:
Senate Resolution No. 110.

A resolution to recognize February 18, 2022, as National Caregivers Day.

Whereas, February 18, 2022, marks National Caregivers Day, initially created in 2015 to recognize in-home caregivers who provide personal care and support to enable millions of Americans who are aging or who have a disability to remain safe and healthy in their own homes; and

Whereas, Home care has emerged as a valuable solution to fill gaps created by traditional care models, including hospitals, nursing homes, and home health; and

Whereas, Professional caregivers work for licensed home care agencies and receive training to enable them to assist with activities of daily living (ADLs) such as bathing, dressing, and meal preparation. Most importantly, these caregivers provide vital companionship and mental stimulation by engaging their clients in conversation and other activities; and

Whereas, Professional caregivers, who amount to nearly 4.6 million in the United States, and family caregivers who amount to an estimated 44 million, are lifelines to Americans while keeping them safe, healthy, and engaged; and

Whereas, Important benefits of home care include helping seniors lead more independent lives, preventing falls and other common injuries, promoting medication adherence, and reducing social isolation; and

Whereas, The home care industry is among the fastest growing healthcare industries in the United States and the Home Care Association, Michigan Chapter continuously advocates on behalf of providers and professional caregivers who have been essential in the fight against COVID-19; and

Whereas, Caregivers have truly stepped up to the challenge of COVID-19, not only caring for their clients, but also risking their own personal health and safety while doing so; and

Whereas, Home care workers enable families to stay together at home safely and with dignity as they age; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize February 18, 2022, as National Caregivers Day; and be it further

Resolved, That we express our gratitude to caregivers for their unwavering commitment to their clients and families, especially during the COVID-19 pandemic; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor.

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.

Senators Brinks and Chang were named co-sponsors of the resolution.

Senator Lauwers moved that the Senate proceed to consideration of the following resolution:
Senate Resolution No. 107
The motion prevailed.

Senate Resolution No. 107.

A resolution to affirm our commitment to the fundamental rights of parents to direct the education of their children, and call on Governor Whitmer to publicly acknowledge these rights.

(This resolution was offered on Wednesday, February 9 and consideration postponed. See Senate Journal No. 12, page 106.)

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 Hertel offered the following amendment:

1. Amend page 2, following line 16, by inserting:

“Whereas, Certain legislators in the Michigan Senate have tried to use their office to tell parents in Michigan which kids can play sports, which safety measures should be used in schools, and put their own agenda over the wishes and rights of parents in our state; and”.

Senator Chang requested the yeas and nays.

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

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

Roll Call No. 36

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: Nesbitt

The question being on the adoption of the resolution,

Senator Chang requested the yeas and nays.

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

The resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 37

Yeas—22

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: Nesbitt

Senator Runestad was named co-sponsor of the resolution.

Protests

Senators Chang, Polehanki, McMorrow, Hertel, Moss, Brinks, Wojno, Bayer, Geiss, Santana, Bullock, Alexander and Hollier, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Resolution No. 107.

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

The motion prevailed.

Senator Chang’s statement is as follows:

This resolution talks a lot about parents. Well, I’m a parent. I’m a parent of a kindergartner in a public school and a toddler who has spent the majority of her life in a pandemic. Of course parents have rights and, yes, parents from across the political spectrum are raising their voices. Parents are frustrated and exhausted after almost two years of this global pandemic. But you know what? Parents are resilient, parents are partnering and communicating with educators about their kids’ needs more than ever, parents are doing the best they can for their kids every day. Parents want to be told the truth and they want their kids to have the critical thinking skills and appropriately funded public education to get their kids the best future they deserve.

Parents do have a say in the direction of their child’s public education. They elected a school board to make local decisions. They elected a State Board of Education to guide statewide policies to make sure that schools in my neighborhood have the same standards as the schools in yours. And they communicate and partner with teachers on what’s going on in the classroom on a regular basis to ask questions, to get clarification, to volunteer, to serve on the PTA, and make suggestions.

I’ve been listening to my fellow parents and what I hear is this. Parents who have left the workforce during the pandemic because of child care issues or remote learning aren’t advocating to run their kids’ curriculum, they’re asking why can’t we have good paying jobs in all our neighborhoods so they can pay for digital devices that work well during virtual learning days and why can’t we make affordable and accessible child care and pre-K for the littlest ones available to every family.

Parents don’t want an unconstitutional voucher scheme to take funding away from the public education system that’s supposed to give every single one of our kids a chance. They’re more concerned about making sure that our kids have the mental health supports in schools they need—the school social workers, counselors, and psychologists—resources that need more investment, not money taken away.

Parents who are essential workers and have had to make sacrifices to serve the rest of us are asking, When are we going to give them hero pay so they can afford to pay the bills for their family? Parents are asking, When are we going to finally enact strong paid sick leave and paid family leave laws?

Parents don't want kids shielded from parts of our history. They want their kids to learn the kind of critical thinking skills, analysis, and problem solving that comes from learning the whole truth about our country's history, including the painful parts of our history, of racism. Parents want opportunity for their children. Parents of color specifically want to see their kids to see themselves reflected in books and lessons so they can aspire to be the leaders they can be. Parents see what's happening in our world and want their kids to have a future where people of different backgrounds might better understand one another.

Parents are asking when will we have flexible work schedules and adequate paid sick leave so they can get their kids from school if aftercare gets cancelled or if they need to care for their kids during a quarantine due to close contact at school or remote learning because the district has used all their snow days.

What I hope we can do as a legislative body is, instead of feeding on the fears of a small, small-but-loud set of people, focus on the hopes and the aspirations that many of our parents have for our next generation. Instead of trying to move Michigan backward in time and ignore some pretty important realities, we should work on the issues families are grappling with at the kitchen table and in the school classroom. Let's focus on the things parents, kids, and families really need and build a hope for a future full of opportunities for every family, rather than tear down based on fear.

Senator Polehanki's statement, in which Senator McMorro concurred, is as follows:

A portion of this resolution references Governor Whitmer's veto of Senate Bill No. 687, which is a bill to establish what my Republican colleagues call a student opportunity scholarship program. I'd like to remind my colleagues in this chamber about what this vetoed bill really is, and that is one in a long line of attempts by Betsy DeVos and her allies to flout the Michigan Constitution which bans the use of public dollars, including tax benefits, for private school education. This is a voucher scheme, and I say scheme because instead of previous failed efforts to move taxpayer dollars directly to private religious schools, DeVos has devised a constitutional workaround that creates a pass-through organization which would then dole out taxpayer money mainly to private religious schools. In fact, Ms. DeVos boasted recently, and I quote, The money never moves through the state's hands. You see how she works around the Michigan Constitution? These opportunity scholarships are how Ms. DeVos hopes to achieve her dream of privatizing education in Michigan.

Mr. President, if this bill had passed, a public school student's benefit would cap at \$500 but a private school student's benefit could be up to \$7,830 because up to 90 percent of their tuition would be paid for. If this bill had passed, it was estimated by the Senate Fiscal Agency that it would blow a billion-dollar hole in the budget by the fifth year of the program. That's billion with a B. In a committee hearing on these bills, the bill sponsors were unable to tell me what they would cut in the budget to make up for a billion-dollar revenue loss in order to provide tax credits to private citizens.

Mr. President, the rightly-vetoed Senate Bill No. 687 and today's Senate Resolution No. 107 which contains it are desperate attempts to resurrect school vouchers which Michiganders have twice rejected at the ballot box. For these reasons, I ask my colleagues to join me in voting "no" on this resolution.

Senator Hertel's statement, in which Senators Moss, Brinks, Wojno and Bayer concurred, is as follows:

There are certainly parts of this resolution I agree with. We should all agree that parents are a foundational part of their child's education. I don't think there's any reasonable person out there that doesn't believe that's true. We all know that student success is largely tied to parental involvement and that parents should be part of the decision-making process. That's the part I agree with.

The rest of it is a bunch of political nonsense thrown in with that in order to try to score political points. You highlight a voucher scheme. Most parents want the funding for their public schools to be strong and robust and don't want it to be stolen by private religious institutions. How do I know that? The people of Michigan have voted twice on this—the people, the parents, those people you're supposed to serve—have twice voted to reject the exact proposal you have inserted into this resolution. Again, claiming to be on the side of parents, claiming to be on the side of kids, no, you're for your own agenda, that's it. This idea of, Who is on the side of parents, who would be opposed to parents being involved, I said at the beginning that every person would want parents to make these choices, but then I looked at your own record. The only people trying to prevent the choices that parents want to make to protect their own children is you. You wouldn't accept my amendment because that would show way too much of a good sense of irony.

Let's look at a couple examples. Most parents do not want guns in their kids' schools. Polls overwhelmingly well, parents see no reason for guns to be brought into a school building. You on the other hand time and time again have voted to allow guns in schools. Are you on the side of the parents? Absolutely not. As a parent myself, there are incredibly difficult choices we have to make as parents. If a child is sexually assaulted and they become pregnant, most parents would want that decision between them, their child, their child's doctor, their god, not this body, and that you are perfectly fine taking that choice away from them. You want it to be the choice of this Legislature. Don't tell me you're on the side of parents.

Over and over again this year, we have seen that you want to control what history is taught in our kids' schools from this body, what bathroom kids can use, what sports team kids can be on. You don't want parents making these choices, you want to make them from the floor of the Michigan Senate. You're only in support of the parents who are in support of your agenda, not most parents out there who want to make those decisions for themselves. Beyond that, for my friends on the right who want to have these conversations, the idea that you ran for the highest body in the state of Michigan, the highest legislative body in the state of Michigan and all you have for them is a sheet of paper, a resolution, no plan or substance, just a sheet of paper saying you're on their side. No wonder so many of them question the people they've sent here. No wonder you're always looking over your shoulder at somebody else hoping they don't run against you because at the end of the day, this is absolutely nonsense.

You're not on the parents' side, you're not on the kids' side, you're about your own control and a political statement you want to make because you're scared. It is time that someone stands up and tells the truth.

Senator Geiss' statement, in which Senators Santana, Bullock, Alexander and Hollier concurred, is as follows:

I also rise to give my "no" vote explanation and point out some of the flaws—critical errors—in this resolution. While this resolution seems to be predicated upon both the rights governed under the Fourteenth Amendment of the U.S. Constitution and the rights of parents as those relate to the state's constitutional mandate of public education, as Article VIII provides—this is a case where a little bit of knowledge of some words can be dangerous because it is not accompanied by any measure of critical thinking. Even the Supreme Court—Justice Scalia in fact, in 2000, in *Troxel v. Granville*—asserted that while parents may enjoy these fundamental rights, these fundamental rights cannot be construed as absolute rights.

What this resolution is trying to do is conflate fundamental rights for overarching responsibility, care, upbringing, and educating of parents over their children for absolute rights. Lines 6 through 9 of page 1 read, "Parents are in the best position to know their own child's needs and circumstances, and therefore, should maintain authority over all decisions that could impact the health and well-being of their children." This statement in Senate Resolution No. 107 reflects the clear conflation between fundamental rights and absolute rights because there are times when, as parents, we temporarily abdicate certain duties to another individual or institution best situated to handle those duties.

Let me give you an example from medicine. If one of my kids is running, trips and skins their knee, I can clean the wound, put on antibiotic ointment or cream, apply a bandage, give hugs and kisses, and we can go on about our day. Now if one of my kids is running, trips, and breaks their ankle, I have to get them to the medical professional who can handle this type of physical injury, but I still have to give consent for that professional to treat that child because of the fundamental right as the child's parent. What I'm not going to do though is tell the X-ray technician how to operate the machinery or tell the doctor setting the bone how to put the cast on in the manner that I believe with my nonexistent wisdom or misinformation that is my imagined sense of the correct way to do it, because at some point in my existence I went down a rabbit hole of YouTube medical videos or binge watched old episodes of *St. Elsewhere*, *E.R.*, or *Grey's Anatomy*.

This resolution is doing the equivalent of that analogy with education. It is trying to have parents supersede the professional charge of educators. So once again, this Legislature is trying to devalue the teaching profession writ large. I mean, do you really want your cousin's best friend's husband who thinks the Earth is flat to be influencing or directing the science or geography curriculum? Because that's the logical destination of where this resolution is trying to misguide us.

What this resolution fails to understand and appreciate—and apparently an alarming number of people who aren't educators fail to understand and appreciate—is the tripartite student-educator-parent relationship that should be an inherent part of education. Our good friend from the 23rd District just referenced that, and it's exactly because of this tripartite relationship—no, partnership—that MCLs 380.10 and 380.1137 include this language, which is generously borrowed from on page 1, line 10 through the first three words of page 2, line 1 and on page 2, lines 5 through 9. It's this tripartite partnership to which these sections of the Revised School Code speak. The failure to understand and appreciate this important tripartite relationship-partnership is made clear on page 2, lines 24 through 25 of the resolution, which reads, "It is essential that parents' voices are respected and incorporated into the development of academic curricula." Parents, who don't also happen to be educators, don't develop curricula; and chances are even if they are parents and educators, they're not developing the curricula for their own child unless that child also happens to be one of their students. In fact most educators would likely tell you—were they actually asked—is that they welcome this tripartite partnership. And a modicum of deep reading, critical thinking, and thorough reasoning tells us that this does not mean that public schools should cater to the sometimes uninformed ideas about education or curriculum that might be held by every single individual parent.

As an aside, it's also entirely cringe-worthy that this document about the influence of parents on the curriculum is in the passive voice, which in itself should make one question the passage just referenced. And if you're not familiar with the difference between the passive and active voice, one probably doesn't belong anywhere near influencing or developing the ELA curriculum. Now let's go back a few lines though, because

here's where things get really questionable when at lines 10 through 15 it takes a hard right at 214 Massachusetts Avenue in Washington, D.C. with it's interesting claims about radical politics and political indoctrination in education happening across the country. The sheer irony of not realizing that the very acts of academic censorship and banning books, all out of fear of truth and accuracy is exactly that. Ironic too, because this level of fervor and fear about parents' rights as they relate to public education is a historical refrain of a tune that this country has sung before.

Remember that Fourteenth Amendment that I began with? It's the same amendment that in May 1954 governed the Supreme Court decision in *Brown v. Board of Education*, thus overturning the 1896 *Plessy v. Ferguson* decision. If that's unclear, one might not be the correct people deciding upon or influencing the social studies or U.S. history curricula. You see, after the *Brown v. Board of Education* decision and the efforts to implement public school desegregation there was much well-documented outrage over it, stoked primarily by white parents often using the conceptual framework of parents' rights as one of their nicer reasons. But ample historical footage, reports by journalists, and evidence from photojournalists of the day prove that at the core of the dissent was not simple parents' rights, but rather racism in itself—cold, hardcore racism. A similar reaction occurred after the *Green v. County School Board of New Kent County* SCOTUS decision in 1968 which also had effects not just in the South, but into northern cities. Today, this resurrected fever-pitched concern about parents' rights and guised as transparency in public education is directly related to the recent blatant attacks on public education through acts of academic censorship and banning books primarily by or about people who are not white, not straight or cis-gender, or not necessarily Christian, out of a fear of truth and accuracy.

Much like the massive resistance response in the South to *Brown v. Board of Education*, today's updated response to public education primarily by angry, white, suburban parents has some ugly underpinnings despite modulating the key, changing the tempo, and adding a bigotry-expanding coda and, if that analogy was unclear, one probably has no business being anywhere near influencing the music education curriculum. Now as our good friend from the 7th District referenced, I wonder why are we rehashing October 2021 in lines 17 through 22 of page 2? The legislative process happened, live with it.

Some folks are just mad because part of the Legislature got a little tricky and tried to slip us a mickey with an attempt to appropriate funds for a literacy program that was basically a voucher program disguised as grants and thought nobody would notice or question its validity. By the way, as we've already heard, that is expressly prohibited in paragraph 2 of article VIII, section 2 of the State Constitution, as our good friend from the 7th Senate District so aptly discussed. I am not going to read it because I'm going to hang on to the belief that everyone in here knows what it states since 38 of us took our oaths of office to uphold it. If that's not the case, a good homework assignment might be to become reacquainted with it. So to that end, I will not support or enjoin in supporting a resolution that condemns the Governor, or any executive of the state of Michigan, from doing the job of upholding the very constitution upon which we all took our oaths of office. That this resolution asks us to do so is beyond the pale.

And on top of that, because apparently we needed just enough additional text to make the resolution get to three pages as in if someone was trying to desperately make a rubric required page count, page 3, lines 1 through 4, repeat lines 1 through 3 of page 1 even if in a clever attempt to re-arrange the words, which is just really bad form. So no, this whole resolution is a hot mess. And were one of my former college or university students to have turned this in as an assignment and expected a grade on it, let me tell you the grade would have been below C-level, and been returned to them heavily annotated with margin notes and the suggestion to revise and resubmit if they expected a respectable grade.

I will be voting "no" and I urge members to also reject Senate Resolution No. 107 on the grounds that it offers a false and misleading premise of what parents' rights mean when it comes to public education and is without merit.

Senators Runestad, Horn 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 Runestad's statement is as follows:

Well, Mr. President, I was amused to hear the comments about the tripartite partnership, the partnership between the parents and the school system; and I have sat down with so many parents, so discouraged, never have they had this experience of feeling that they were on their own, that they had no ability to influence the school system, no ability to influence the school board. When we heard testimony in the Education and Career Readiness Committee time and time, over and over, again, parents saying, Well, we're trying to make a difference, we're trying to make these changes, but the school board just shuts us down. It's something I'm hearing across the board. These parents are telling me just terrible stories about their kids being depressed more than they have ever seen, test scores collapsing, sometimes suicidal.

Yes, we do need a role for the parents and the idea I hear, Well, a parent doesn't have a degree, they can't look at curriculum. They're not smart enough. You have to have a degree. I have a degree, and I went through

all the curriculum, and I went through all that and how to put a lesson plan together, but it was a dusting of education compared to what I got when I left and the amount of study I have done since I left that early training back in college and there's a lot of parents like that. There's a lot of parents who know how to read a curriculum and tell if there's a problem with the curriculum.

As to book-banning, the left is the heroes of book-banning. I was just going to look up how many book-banning operations there have been by the left across this nation over and over again, but I think rather than me say what the position of the Democratic Party on the left is, I think it's good for them to say it. They posted recently their philosophy. This is what the Democrats posted regarding their school philosophy. "Not sure where this 'parents-should-control-what-is-taught-in-schools-because-they-are-our-kids' is originating, but parents do have the option to send their kids to a hand-selected private school at their own expense if this is what they desire." Maybe Cranbrook is probably \$60,000 per year; I'm sure every parent in the state of Michigan can do that. "The purpose of a public education," the Democrats say, "in a public school is not to teach kids only what parents want them to be taught." The Michigan Democratic Party's post continues, "It is to teach them what society needs them to know. The client of the public school is not the parent, but the entire community, the public."

So there, if any parent in the state of Michigan wants to know their position with the Democratic Party versus the bureaucracy of the school system, they've laid it out for you.

Senator Horn's statement is as follows:

I easily got over that dumb tweet, but it's a little bit harder to get over some of the things said on the floor of this Senate though. Challenges to our integrity, challenges to our courage, challenges to our politics, challenges to our sensibilities, challenges to our parents' smartness, their intelligence, their ability to care for their own kids, even got called racist on the floor of the Senate today.

I am embarrassed for some of the conversations taking place. Some of the resolutions I've seen come from the other side of the aisle I consider kind of dumb. Some of the conversations I see, kind of dumb. All read into the record. I've made comments on it; I've asked for my comments on occasion not to be read into the record cautioning my colleagues to be careful with their words. Every time somebody stands up on this floor and argues that the other side is being political, guess what they're doing—they're being political, just about begging for their name to be put in the paper, maybe as Quote of the Day.

These are resolutions. They make a statement, yes they do. We can go back to our districts and talk to our people, but parents have rights. We learned over the COVID period that when our kids were sent home, that parents had a big role in their kids' education. And, about, well, depends on what time it is, I can't see it on the clock up there, we'll probably talk ourselves right into the Education and Career Readiness Committee, Madam Chair, we learned that even with COVID loss, parents took a hand in educating their kids. They had better have a hand in the curriculum. They had better have a hand in understanding how their kids are being educated in reading and how their kids are educated in math. Otherwise, their kids are going to be twice as far behind. We had better hope that our parents have some say in how their kids are learning, whether or not they get tutors, whether or not they have the right books, whether or not they have tablets, whether or not they have scholarships, a little extra cash on hand.

Instead of fussing with each other up here, we should be standing behind the parents who are standing up for their kids.

Senator Theis' statement is as follows:

Before you is Senate Resolution No. 107, affirming the fundamental and guaranteed rights of parents to direct the education of their children. It is unfortunate that the situation is such that we must do this but throughout our country, parental rights are being threatened. We've seen the disdain the left holds against parents' rights in education as they say the quiet stuff out loud, not only on social media, but on the Senate floor. Even the proposed amendment that was suggested ignored that the bureaucrats and the Governor were the ones making those decisions on health and athletics for our students, not the Legislature and most certainly not the parents.

When challenged after the firestorm they created among our parents, they realized they said publicly what they really think and then deleted their messages in hopes people would forget and move on. As was already read by my colleague, the sentiment has frankly been reiterated from the Senate floor that the parents should not be the ones in control. The parents see everything and they are rightfully fed up. They're fed up with being threatened by activists within their school boards, teachers unions, and leftist politicians, that they are doing everything they can to separate parents from their children academically. Parents don't want their children given a political agenda at school. They want their children to be taught reading, writing, and arithmetic; true history, with all its warts, without an agenda while honoring all those who have contributed without demeaning our children. They want to be able to make the decisions regarding their children's health—whether to vaccinate, whether to mask. They want the opportunity for their kids to be in school, in person, getting an education.

In the last year, we’ve seen parents around the country, and even next door in Grand Ledge, being treated as if they were terrorists because they wanted to have some control over their students’ education. Parents are speaking out and getting engaged, and many parents are not only speaking at the meetings, they’re now running for these positions. We’ve seen political dynasties overturned because parents want back in the driver’s seat and according to our law, they already have it. It has never been more important for parents to be involved in their children’s education. Students are already struggling with educational loss, mental health issues, and because of the decisions made by government bureaucrats and teachers unions to close these schools and force virtual learning in a failed response to COVID-19. The only hope for getting kids back on track is to ensure their parents have a say both in where they are taught and what they are taught.

It is parents—not governors, not legislators, not educational elite—who are in the best position to know their children’s needs and circumstances. It is the parents’ authority that must be respected and maintained to ensure the best decisions for Michigan’s children, their education, their health, and their well-being. We are calling on the Governor to publicly acknowledge the rights of parents for their children’s education. That’s what this resolution is about and it’s why I ask for your support.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 412, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109h (MCL 400.109h), as added by 2004 PA 248.

(This bill was returned from the House on Thursday, February 17 with a House substitute (H-1), immediate effect and full title, and was laid over under the rules. See Senate Journal No. 16, p. 163.)

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 38

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 17:

House Bill Nos. 4084 5058 5060 5061 5304 5617

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

Senate Bill Nos. 879 880 881 882 883 884

House Bill Nos. 5761 5762 5763 5764 5765 5766 5767 5768 5769 5770

Scheduled Meetings

Administrative Rules, Joint – Wednesday, February 23, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Appropriations – Wednesday, February 23, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees –

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

Corrections and Judiciary – Wednesdays, February 23, March 2, March 9, and March 16, 11:30 a.m., or immediately following session, Room 1300, Binsfeld Office Building (517) 373-2768

General Government – Wednesdays, February 23, March 2, March 9, March 16, and March 23, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

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

Labor and Economic Opportunity/MEDC – Wednesday, March 2, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

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

Natural Resources and Environment, Great Lakes, and Energy – Tuesday, March 1, 3:00 p.m., Room 1100, Binsfeld Office Building (517) 373-2768

Transportation – Tuesday, March 1, 12:00 noon, or immediately following session, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

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

Economic and Small Business Development – Thursday, February 24, 12:00 noon, Room 1200, Binsfeld Office Building (517) 373-1721

Elections – Wednesday, February 23, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5323

Energy and Technology – Tuesday, March 1, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Finance – Wednesday, February 23, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Health Policy and Human Services – Thursday, February 24, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Judiciary and Public Safety – Thursday, February 24, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-5312

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 11:57 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, February 23, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

