

No. 42
STATE OF MICHIGAN
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REGULAR SESSION OF 2021

Senate Chamber, Lansing, Wednesday, May 12, 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—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Rick Outman of the 33rd District offered the following invocation:

Father, my heart is heavy within me, and hopefully all of us feel that heavy burden. I fear for this great state and great nation which we have been so blessed to live in—a nation that since its inception, has been a blessing to the entire world. But we live in perilous times, Father. Times when good is called evil and evil is called good. Times when we are being divided along racial lines, socio-economic lines, gender lines, religious lines, political lines, and any other lines that can be thought of.

But, Your Word is true, and in Your Word, You tell us that there is only one line—only one division—those who have accepted Your Son as Savior and those who haven't. Your Word says, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus."

Father, help us to push back against those who would divide us along any other lines than this. Help us come together as one people for the good of this nation and for the good of this state. Amen.

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

Motions and Communications

Senator Ananich entered the Senate Chamber.

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

Senator Lauwers moved that rule 2.107 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

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.

10:59 a.m.

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

During the recess, Senator Geiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Geiss, Polehanki, Bullock, Chang, McMorrow, Irwin, Bayer, Santana and Ananich introduced **Senate Joint Resolution H, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to modify the procedures for enacting a law by initiative, and for amending a law enacted by initiative or approved by referendum.

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

Senator MacDonald introduced

Senate Bill No. 435, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2701 and 2711 (MCL 333.2701 and 333.2711), section 2701 as amended by 2016 PA 499 and section 2711 as amended by 2014 PA 172.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.

Senators McCann, Bayer, Wojno, Geiss, Chang, Polehanki, Bullock and Brinks introduced
Senate Bill No. 436, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending the title and sections 1c and 3 (MCL 52.201c and 52.203), sections 1c and 3 as amended by 2012 PA 171.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.

Senators Schmidt and Bullock introduced

Senate Bill No. 437, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 437 (MCL 208.1437), as amended by 2017 PA 217.

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

Senator VanderWall introduced

Senate Bill No. 438, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 9c of chapter IV (MCL 764.9c), as amended by 2020 PA 393.

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

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

Senate Bill No. 439, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1301 and 1305 (MCL 324.1301 and 324.1305), section 1301 as amended by 2018 PA 451 and section 1305 as amended by 2011 PA 246, by designating sections 1301 to 1319 as subpart 1 of part 13, and by adding subpart 2 to part 13.

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

Senators Brinks, Theis, LaSata, MacDonald, Bizon, Johnson, McBroom, Geiss and VanderWall introduced
Senate Bill No. 440, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 22224b.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.

House Bill No. 4237, entitled

A bill to repeal 1899 PA 188, entitled “Michigan estate tax act,” (MCL 205.201 to 205.256).

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

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

House Bill No. 4394, entitled

A bill to make appropriations for the department of agriculture and rural development for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4395, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4397, entitled

A bill to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4401, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 201, 206, 207a, 207b, 207c, 209, 209a, 222, 226b, 226d, 226e, 229a, and 230 (MCL 388.1801, 388.1806, 388.1807a, 388.1807b, 388.1807c, 388.1809, 388.1809a, 388.1822, 388.1826b, 388.1826d, 388.1826e, 388.1829a, and 388.1830), sections 201, 206, 207a, 207b, 207c, 209, 209a, 222, 229a, and 230 as amended and sections 226b, 226d, and 226e as added by 2020 PA 165, and by adding section 226f.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4407, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4, 6, 11, 11a, 11j, 11k, 11m, 11s, 15, 18, 20, 20d, 20f, 21f, 22a, 22b, 22d, 22m, 22p, 23b, 23e, 24, 24a, 25f, 25g, 25i, 26a, 26b, 26c, 28, 31a, 31d, 31f, 31m, 31n, 32d, 32p, 35a, 35b, 39, 39a, 41, 51a, 51c, 51d, 51f, 53a, 54, 54b, 54d, 55, 56, 61a, 61b, 61d, 62, 65, 67a, 74, 81, 94, 94a, 95b, 98, 99h, 99s, 101, 104, 104c, 105, 105c, 107, 147, 147a, 147c, 147e, 152a, and 152b (MCL 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611j, 388.1611k, 388.1611m, 388.1611s, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1620f, 388.1621f, 388.1622a, 388.1622b, 388.1622d, 388.1622m, 388.1622p, 388.1623b, 388.1623e, 388.1624, 388.1624a, 388.1625f, 388.1625g, 388.1625i, 388.1626a, 388.1626b, 388.1626c, 388.1628, 388.1631a, 388.1631d, 388.1631f, 388.1631m, 388.1631n, 388.1632d, 388.1632p, 388.1635a, 388.1635b, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1651f, 388.1653a, 388.1654, 388.1654b, 388.1654d, 388.1655, 388.1656, 388.1661a, 388.1661b, 388.1661d, 388.1662, 388.1665, 388.1667a, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1695b, 388.1698, 388.1699h, 388.1699s, 388.1701, 388.1704, 388.1704c, 388.1705, 388.1705c, 388.1707, 388.1747, 388.1747a, 388.1747c, 388.1747e, 388.1752a, and 388.1752b), sections 4 and 104c as amended by 2019 PA 58, sections 6, 11a, 11j, 11k, 11m, 11s, 15, 18, 20, 20d, 20f, 22a, 22b, 22d, 22m, 22p, 24, 24a, 25f, 25g, 26a, 26b, 26c, 28, 31a, 31d, 31f, 32d, 32p, 35a, 35b, 39, 39a, 41, 51a, 51c, 51d, 51f, 53a, 54, 54b, 54d, 55, 56, 61a, 61b, 61d, 62, 65, 74, 81, 94, 94a, 95b, 98, 99h, 99s, 101, 104, 105, 105c, 107, 147, 147a, 147c, 147e, and 152a as amended by 2020 PA 165, sections 11, 21f, and 31n as amended by 2021 PA 3, sections 23b and 23e as added by 2021 PA 3, sections 25i and 67a as added by 2020 PA 165, section 31m as added by 2018 PA 265, and section 152b as amended by 2018 PA 265, and by adding sections 22e, 26d, 31b, 35g, 94c, 97, 99aa, 104h, and 147d; and to repeal acts and parts of acts.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4408, entitled

A bill to make appropriations for the department of education for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4419, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2021; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4421, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11n, 11r, 23b, 25i, and 31a (MCL 388.1611, 388.1611n, 388.1611r, 388.1623b, 388.1625i, and 388.1631a), section 11 as amended by 2021 PA 3, sections 11n, 11r, and 23b as added by 2021 PA 3, section 25i as added by 2020 PA 165, and section 31a as amended by 2020 PA 165, and by adding sections 11o, 11t, 23d, and 201d.

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.

Senator Lauwers moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4599, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 8, 19, and 20 (MCL 431.308, 431.319, and 431.320), as amended by 2019 PA 153.

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 Agriculture.

House Bill No. 4600, entitled

A bill to amend 1951 PA 90, entitled "An act to regulate the conducting of racing meets in the state of Michigan; to provide for the possession, control and disposition of funds held by licensees for the payment of outstanding winning tickets not claimed or demanded by the lawful owners of such funds; and to prescribe penalties for violations of the provisions of this act," by amending section 2 (MCL 431.252), as amended by 1998 PA 505.

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 Agriculture.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Bullock as Chairperson.

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

Senate Bill No. 378, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 254.

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. 88, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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. 89, entitled

A bill to make appropriations for the department of state police for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 7, following line 4, by inserting:

"Michigan International Speedway traffic control \$ 100"

2. Amend page 7, line 8, by striking out "4,885,500" and inserting "4,885,600" and adjusting the totals, subtotals, and section 201 accordingly.

The Senate agreed to the substitute as amended 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. 91, entitled

A bill to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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:

Senate Bill No. 88

Senate Bill No. 89

Senate Bill No. 91

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 88

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 88, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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. 155

Yeas—36

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 89, entitled

A bill to make appropriations for the department of state police for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Santana offered the following amendments:

1. Amend page 7, following line 4, by inserting:
“Michigan joint task force on jail and pretrial incarceration 10,200,000”.
2. Amend page 7, line 8, by striking out “4,885,500” and inserting “15,085,500” and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 31, following line 7, by inserting:

“ONE-TIME APPROPRIATIONS

Sec. 801. (1) Funds appropriated in part 1 for the Michigan joint task force on jail and pretrial incarceration must be used to support the development and delivery of training for law enforcement, dispatch, and jail officers in the areas of behavioral health and victim services, in accordance with task force recommendations.

(2) The unexpended funds appropriated in part 1 for the Michigan joint task force on jail and pretrial incarceration are designated as a work project appropriation, and any unencumbered or unallotted funds shall not lapse at the end of the fiscal year and shall be available for expenditures for projects under this section until the projects have been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to support the development and delivery of training for law enforcement, dispatch, and jail officers, in accordance with task force recommendations.

(b) The project will be accomplished by utilizing state employees or contracts with service providers, or both.

(c) The total estimated cost of the project is \$10,200,000.00.

(d) The estimated completion date is September 30, 2026.”.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 156

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Chang offered the following amendments:

1. Amend page 7, following line 4, by inserting:

“De-escalation pilot project 250,000”.

2. Amend page 7, line 8, by striking out “4,885,500” and inserting “5,135,500” and adjusting the subtotals, totals, and section 201 accordingly.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 157

Yeas—16

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

Nays—20

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis

Bumstead	Lauwers	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	McBroom	Shirkey	Zorn

Excused—0

Not Voting—0

In The Chair: President

Senator Hollier offered the following amendments:

1. Amend page 3, line 17, by striking out “152.0” and inserting “155.0”.
2. Amend page 3, line 17, by striking out “21,626,200” and inserting “22,076,200”.
3. Amend page 3, line 23, by striking out “107,479,900” and inserting “107,929,900”.
4. Amend page 6, line 14, by striking out “28,975,200” and inserting “29,575,200”.
5. Amend page 7, line 3, by striking out “14,063,000” and inserting “14,663,000” and adjusting the subtotals, totals, and section 201 accordingly.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 158

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Hollier offered the following amendments:

1. Amend page 5, line 19, by striking out “16,137,600” and inserting “16,544,600”.
2. Amend page 6, line 12, by striking out “50,037,800” and inserting “50,444,800” and adjusting the subtotals, totals, and section 201 accordingly.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 159

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

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. 160

Yeas—20

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Santana, Chang, Barrett 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 Santana's statement is as follows:

Today I offer up this amendment to the Michigan State Police budget. My amendment would fund the \$10.2 million to the MCOLES training of law enforcement personnel related to the recommendations that we made through the Joint Task Force on Jail and Pretrial Incarceration. Specifically, this would provide officers with training and behavioral health crisis response and support for crime victims as recommended by the Joint Task Force.

Now it was brought up in committee that the reason that this was not being funded was because there was not accounting for the appropriations that were made this prior fiscal year. So let me just clarify that. MCOLES estimated that the cost of fully funding the training of 19,000 law enforcement officers on behavioral health crisis response and domestic violence response at around \$14.4 million. Just a portion of the \$4.2 million allocated has been spent so far because there was COVID-19 causing a hiring freeze. However, MCOLES has started working on updating and streamlining their behavioral health training and they had planned to pilot a new training in June with the full rollout starting in September. The training of all officers statewide is a multiple-year project, but they need the funds of \$14.4 million to be able to bring both behavioral health training and domestic violence training to every officer across the state of Michigan. Appropriations for training and de-escalation and crisis response and safe response to domestic violence are both important to the safety of our communities as well as our officers, the victims, as well as individuals in this crisis. So now that we have this opportunity to get back up to those recommendations and resources, I hope that all of my colleagues in this beautiful chamber that we call the Senate will support this amendment.

Senator Chang's statement is as follows:

My amendment would provide \$250,000 for the National De-Escalation Training Center at Wayne State University. This is a really exciting, new, nationally recognized center that was just established last year and it's really wonderful that we have it located in the city of Detroit to be able to provide this excellent training service. The center uses a hybrid model of de-escalation training that is specifically designed for law enforcement officers, providing special assessment and situational skills training that is proven to reduce conflict and avoid potential tragic scenarios for citizens and officers. The training center is doing important work to reduce deadly encounters between police and our residents. I ask my colleagues to support this work through my amendment.

Senator Barrett's first statement is as follows:

It's important to recognize that we have put \$500,000 into this budget to go toward de-escalation and while this amendment is important to consider, I would recommend a "no" vote at this time because we've already allocated a far greater sum of money toward de-escalation and I think we can entrust that to MCOLES to discern where that money ought to be spent.

Senator Hollier's first statement is as follows:

My amendment would fund the Governor's recommendation at \$1.5 million to implement and support the maintenance of the records expungement process. We spent a lot of time working on the clean slate legislation and we all came together in a bipartisan manner and fashion to say that we are not going to hold people accountable for what we all know were unjust laws. People, particularly Black folks and poor people, were sent to prison and have criminal records that are preventing them from going back to work. As we talk about the incredible difficulty in filling all the jobs and getting people back to work, this continues to be an issue that affects people as they try and do that. I'm excited and encouraging my colleagues to continue to support this as we work to make sure folks who were promised a clean slate have that opportunity. We knew that there would be up-front costs and this is the opportunity to pay for it. I hope we can make this thing happen.

Senator Barrett's second statement is as follows:

I appreciate my colleague from the 2nd District bringing this issue forward. Right now I would recommend a "no" vote. We're continuing to negotiate around the clean slate expungement package and we're continuing to negotiate that with the administration in good faith, so right now I would recommend a "no" vote on this amendment.

Senator Hollier's second statement is as follows:

My amendment would fund the Governor's recommendation of \$407,000 to support increased IT costs for the State Emergency Operations Center. If any of you haven't been it's a beautiful facility, but over the last

year we've seen just how important the IT components are. In a traditional disaster like a fire or a torrential storm, you can bring everybody into that facility and they know how to do their business, but if we talk about a global pandemic and some of the increased issues we're seeing with cyber hacks and all the things going on across the country, it's incredibly important that we have IT needs met, and they just aren't being. There are some places across the country today that are unable to get gas because of a cyber hack because of all the kinds of things that are going on. As we talk about investing in our infrastructure and our resiliency, it's critically important that the people who are taking care of and running our situations in emergency spaces have the technology and capabilities they need, and right now they don't. We have the money; we should absolutely spend it right now. The SEOC is a critical component to our resiliency and it makes sure we have folks in the right position who have connectivity, whether they're at home, in the Operations Center, or wherever else they need to be across the state to respond to the clearly confounding disasters we've had over the last few years.

Senator Barrett's third statement is as follows:

I think this issue is one that deserves more discussion and I'm happy to continue that conversation, but at this point I would recommend a "no" vote on this amendment.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:43 a.m.

11:52 a.m.

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

The following bill was read a third time:

Senate Bill No. 91, entitled

A bill to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator McCann offered the following amendments:

1. Amend page 17, line 14, after "water" by striking out "emergency".
2. Amend page 17, line 14, after "grants" by striking out "10,000,000" and inserting "40,000,000".
3. Amend page 18, line 16, after "water" by striking out "emergency".
4. Amend page 18, line 16, after "grants" by striking out "10,000,000" and inserting "40,000,000" and adjusting the subtotals, totals, and section 201 accordingly.
5. Amend page 33, following line 11, by inserting:

"Sec. 1006. (1) From the appropriations in part 1 for high water infrastructure grants, the department shall develop a competitive grant program to support the planning efforts of local communities to prepare for and strengthen their resiliency in relation to severe weather events and the effects of changing climate conditions, as well as, provide infrastructure grants that directly address the impacts and vulnerabilities presented by those adverse conditions.

(2) A total of \$10,000,000.00 of these funds shall be designated for planning grants that focus on the development of the following:

- (a) Local climate action plans.
- (b) Resiliency plans for communities impacted by high water levels and coastal erosion.
- (c) Resiliency plans for communities with undersized infrastructure such as culverts or sanitary storm sewers.
- (d) Zoning/planning ordinances for communities to prevent climate impacts and adopt climate mitigation tools.

(3) A total of \$30,000,000.00 of these funds shall be designated for infrastructure grants that focus on, but are not limited to, projects that address flooding, coastline erosion, transportation networks, urban heat, and storm water management.

(4) Eligible participants to this grant program are regional councils of government and local units of government. A local unit of government may act as a primary project sponsor and fiduciary for a grant that includes partnerships or consortiums with other public or non-profit organizations.

(5) No one planning grant may exceed \$200,000.00, and no one infrastructure grant may exceed \$2,500,000.00. A 20% match is required for all grants.

(6) The department shall develop the grant program, selection criteria, timelines, reporting and other requirements. Grant program information will be published in an accessible location on the department’s internet site. The department may partner with other state agencies as necessary to develop and operate the program.”.

6. Amend page 33, line 11, by striking out all of section 1006.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 161

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Bayer offered the following amendment:

1. Amend page 17, following line 12, by inserting:

Contaminated site cleanup 20,000,000

and adjusting the subtotals, totals, and section 201 accordingly.

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 serving not voting therefor, as follows:

Roll Call No. 162

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Bayer offered the following amendments:

- 1. Amend page 17, following line 16, by inserting:
MI clean water plan 290,000,000
- 2. Amend page 17, following line 18, by inserting:
Other state restricted revenues 290,000,000
- 3. Amend page 18, following line 16, by inserting:
MI clean water plan 255,000,000

and adjusting the subtotals, totals, and section 201 accordingly.

- 4. Amend page 35, following line 13, by inserting:

“Sec. 1010. The unexpended funds appropriated in part 1 for the MI clean water plan are designated as a work project appropriation, and any unencumbered or unallotted funds shall not lapse at the end of the fiscal year and shall be available for expenditures for projects under this section until the projects have been completed. The following is in compliance with section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to provide local water infrastructure grants.
- (b) The project will be accomplished by utilizing contracts with service providers.
- (c) The total estimated cost of the project is \$290,000,000.00.
- (d) The tentative completion date is September 30, 2026.”

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 163

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

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. 164

Yeas—20

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators McCann, Bumstead and Bayer asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McCann’s statement is as follows:

My amendment would restore the department’s high water infrastructure grants back to the Governor’s recommendation. Most Michigan citizens are aware of the increase in water levels and erosion on the coasts of our state and in our lakes in the past year, especially along Lake Michigan. The money from this amendment would help with coastal erosion and flooding and provide planning grants to support local resiliency plans. I ask for my colleagues’ support of this amendment.

Senator Bumstead’s first statement is as follows:

I encourage my colleagues to vote “no” on this amendment. I’m supportive of funding for this program, but we included \$10 million. At this point, there’s no extra money to fund it at \$40 million so I’m not willing to reduce the EGLE budget by \$30 million to make the difference, so I urge a “no” vote.

Senator Bayer's first statement is as follows:

This amendment would restore the Governor's recommended \$20 million for contaminated site cleanups. We do know that we have contamination problems all over the state—thousands of potential sites that need cleanup. Some we know about already that are on a list, like the infamous green ooze in my colleague from District 11's down the road from me. We did not have the money to clean that up. We did not have the resources to be able to respond to that. That happens over and over again.

We have thousands of suspected PFAS sites. Six thousand known underground storage tanks that at any time could suddenly spring a leak and issue noxious vapors to the buildings above them. That happened in my district last year. The commercial buildings that were above that storage tank had to close. Some of them did not survive, partially because of the loss of revenue, partially because of the fear of consumers who didn't want to go into a building where there was poisonous air. We didn't have the resources we needed to be able to address that. I know \$20 million is not enough to fix all the problems we have in this state, but we do need a fund to be able to respond when things are bad and our people and resources are at risk. I urge you to vote "yes" on this amendment.

Senator Bumstead's second statement is as follows:

The department already has funding for emergency contamination issues that may arise throughout our state. We also do not have the additional \$20 million in the EGLE budget to appropriate for this, so I'd urge a "no" vote on this amendment.

Senator Bayer's second statement is as follows:

This amendment would restore the Governor's \$290 million for the Michigan Clean Water Plan. The fact that we are facing failing water infrastructure—clean water, stormwater, wastewater—all across this state is uncontested. In my district alone, and undoubtedly in your district as well, there is lead in clean water lines that are supposedly being used for drinking. No level of lead is safe for drinking. We have failing stormwater and wastewater treatment infrastructure in communities as well as individual homes, septic tanks that need repair, and sewer lines that are failing and need replacing. The \$290 million here would offer grant opportunities to communities and individuals across the state who need help paying for these desperately-needed improvements and whose funding was approved by voters in 2002. We need to do what the voters asked for and use this money, approve the funding in the legislation that goes along with it, and put this to work to improve the failing infrastructure that is so critical to this state.

Senator Bumstead's third statement is as follows:

In order to utilize this money the way the Governor proposed, the Legislature must pass bills to authorize it. Those bills are in the process but have not been completed. I think it is premature for us to authorize \$290 million before the authorization has occurred. We can revisit this spending if and when the Governor signs legislation providing authorization. I urge a "no" vote on this amendment.

Senator Bayer's third statement is as follows:

Just really briefly, that legislation is prepared and waiting for the opportunity to be called to a vote.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Bullock as Chairperson.

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

Senate Bill No. 83, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2020 PA 165 and section 17b as amended by 2007 PA 137.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 79, line 25, after "(15)" by striking out "The" and inserting "**For the first half of the 2021-2022 school year, the**".

2. Amend page 79, line 26, after the second “courses” by striking out “offered”.
3. Amend page 79, line 26, after “offered” by striking out the balance of the subsection and inserting **“taken by a pupil described in section 98b(1)(a)(i). As used in this subsection, “first half of the 2021-2022 school year” means that term as defined in section 98b.”**.
4. Amend page 95, line 20, by striking out **“\$8,120,000.00”** and inserting **“\$7,300,100.00”**.
5. Amend page 97, line 17, after **“exceed”** by striking out **“\$820,000.00”** and inserting **“\$100.00”** and adjusting the totals in section 11 and enacting section 1 accordingly.
6. Amend page 136, line 17, after “subsection” by striking out “(5)” and inserting “(6)”.
7. Amend page 139, line 9, after “districts.” by inserting **“Districts receiving funding under this subsection are encouraged to provide suicide prevention and awareness education and counseling.”**.
8. Amend page 140, line 1, after “agencies” by inserting a semicolon and **“and the intermediate district is encouraged to provide suicide prevention and awareness education and counseling”**.
9. Amend page 143, line 29, after “department.” by striking out the balance of the line through “guidelines.” on line 11 of page 144 and inserting **“For a child to be eligible to participate in a program under this section, the child must be at least 3 years of age as of September 1 of the school year in which the program is offered and must meet those eligibility and prioritization guidelines. A program operating with funding under this section must prioritize access to children who are at least age 4 as of September 1 of the school year in which the program is offered and must develop an enrollment policy that maximizes the availability of prekindergarten programming and instruction. A program funded under this section may use funds to support children in blended prekindergarten/kindergarten classrooms.”**.
10. Amend page 180, line 4, after “exceed” by striking out **“\$500,000.00”** and inserting **“\$1,000,000.00”** and adjusting the totals in section 11 and enacting section 1 accordingly.
11. Amend page 256, line 8, by striking out all of subsections (1), (2), (3), (4), (5), and (6) and inserting **“(1) Subject to subsections (2) and (6), in order to receive state aid under this article, the district must comply with all of the following requirements:**
 - (a) For the 2021-2022 school year, except for the portion of the first half of the 2021-2022 school year in which an exception in this subdivision applies, the district must provide a full schedule of in-person instruction to each pupil enrolled in the district to be taught by a teacher of record to whom the pupil is assigned, unless either of the following applies:
 - (i) In the first half of the 2021-2022 school year, the pupil’s parent or legal guardian provides written notice, in a form and manner prescribed by the district, to the district stating that he or she is electing that his or her child will not participate in the in-person instruction being provided as described in this subdivision. A district shall ensure that a pupil for whom it receives a notice described in this subparagraph is provided with instruction online, digitally, or by other remote means, by a teacher of record to whom the pupil is assigned.
 - (ii) In the first half of the 2021-2022 school year, the district is prohibited from providing in-person instruction pursuant to an executive order, proclamation, or directive issued by the governor under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or an emergency order issued under section 2253 or 2453 of the public health code, 1978 PA 368, MCL 333.2253 and 333.2453.
 - (b) For the 2021-2022 school year, the district shall provide all teachers of the district who are teaching in person proper personal protection equipment and regular COVID-19 testing.
 - (c) For the 2021-2022 school year, except for the portion of the first half of the 2021-2022 school year in which an exception under subparagraph (i) or (ii) applies and subject to subparagraph (iii), each teacher of record who is providing instruction to a pupil enrolled in the district, including a pupil described in subdivision (a)(i), shall provide that instruction to the pupil in person or from a classroom designated by the district, unless any of the following apply:
 - (i) In the first half of the 2021-2022 school year, the district is prohibited from complying with this subdivision pursuant to an executive order, proclamation, or directive issued by the governor under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or an emergency order issued under section 2253 or 2453 of the public health code, 1978 PA 368, MCL 333.2253 and 333.2453.
 - (ii) In the first half of the 2021-2022 school year, the teacher of record tests positive for coronavirus or is in a condition for which the teacher of record could claim sick leave from his or her employer, and the teacher of record agrees to provide instruction to the pupil online, digitally, or by other remote means. As used in this subparagraph, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
 - (iii) The instruction being provided to the pupil is being provided by a community college or university.

(2) If subsection (1)(a)(i) or (ii) applies to a district, in order to receive state aid under this article, a district must provide instruction under an extended COVID-19 learning plan that has been approved by an intermediate district or authorizing body, as applicable, under subsection (3). It is the intent of the legislature that extended COVID-19 learning plans described in this subsection provide districts with maximum flexibility to adapt their educational programs for some or all pupils at some or all of the schools operated by the district to continue to respond to the COVID-19 pandemic. An extended COVID-19 learning plan described in this subsection must include all of the following elements:

(a) A statement indicating why an extended COVID-19 learning plan is necessary.

(b) A description of how instruction will be delivered during the first half of the 2021-2022 school year. Instruction, as described in this subdivision, may be delivered at school or at a different location but must be in person, except as otherwise provided in the exceptions under subdivision (a)(i) or (ii); may be in a synchronous or asynchronous format; and must be delivered as included in the description. If the description of instructional delivery under this subdivision differs from the delivery of instruction reconfirmed under this subdivision, then instruction must be delivered as reconfirmed. Thirty days after the approval of the plan under subsection (3), and every 60 days thereafter for the remainder of the first half of the 2021-2022 school year, the district must, at a meeting of the board, reconfirm how instruction is going to be delivered during the first half of the 2021-2022 school year. Public comment must be solicited from the parents or legal guardians of the pupils enrolled in the district during a meeting described in this subdivision. For each reconfirmation described in this subdivision, the district shall report to the center, in a form and manner prescribed by the center, the instructional delivery method that was reconfirmed; how that instruction will be delivered for each grade level offered by the district, including prekindergarten, as applicable; and whether or not, as determined by the department in consultation with the center, the district is offering higher levels of in-person instruction for English language learners, special education students, or other special populations.

(c) A description of how instruction that is not being provided in person for core academic areas provided under the extended COVID-19 learning plan will expose each pupil to the academic standards that apply for each pupil's grade level or courses in the same scope and sequence as the district plans for that exposure to occur for in-person instruction, as applicable, and a description of how pupil progress toward mastery of the standards described in this subdivision will be graded or otherwise reported to the pupil and the pupil's parent or legal guardian.

(d) If the district is delivering pupil instruction virtually, an assurance and description of how pupils receiving instruction virtually will be provided with equitable access to technology and the internet necessary to participate in instruction. This subdivision does not prohibit a district from providing pupil instruction through nonvirtual educational materials.

(e) A description of how the district will ensure that students with disabilities will be provided with equitable access to instruction accommodation in accordance with applicable state and federal laws, rules, and regulations.

(3) A district that is not a public school academy that intends to provide instruction under an extended COVID-19 learning plan shall submit its extended COVID-19 learning plan described in subsection (2) to the intermediate district in which the district is located by not later than 5 days after subsection (1)(a)(i) or (ii) applies to the district, and, except as otherwise provided in this subsection, a district that is a public school academy that intends to provide instruction under an extended COVID-19 learning plan shall submit its extended COVID-19 learning plan described in subsection (2) to its authorizing body by not later than 5 days after subsection (1)(a)(i) or (ii) applies to the district, for approval. A district that is a public school academy that, by agreement, provides educational services for the residents of a district that is not a public school academy and that does not directly provide public educational services to its residents that intends to provide instruction under an extended COVID-19 learning plan shall submit its extended COVID-19 learning plan described in subsection (2) to the intermediate district in which it is located not later than 5 days after subsection (1)(a)(i) or (ii) applies to the district, for approval. An intermediate district or authorizing body, as applicable, shall approve an extended COVID-19 learning plan submitted for approval under this subsection by not later than 5 days after receiving the plan if the plan includes all of the elements required for inclusion in the plan under subsection (2). If an intermediate district or authorizing body, as applicable, approves of a district's extended COVID-19 learning plan under this subsection, the intermediate district or authorizing body, as applicable, shall transmit copies of the approved plan to the superintendent of public instruction and the state treasurer.

(4) An extended COVID-19 learning plan described in subsection (2) and approved under subsection (3) must be made accessible through the transparency reporting link located on the district's website by not later than 3 days after the plan is approved under subsection (3).

(5) This section does not apply to a district that operates as a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551.

(6) The requirement under subsection (1)(a) does not apply for pupils who are enrolled in a virtual course under section 21f.

(7) As used in this section:

(a) “First half of the 2021-2022 school year” means the period beginning on the first day of the 2021-2022 school year and ending December 31, 2021 or, as applicable, the last day of the district’s first semester of the 2021-2022 school year or the last day of the district’s second trimester of the 2021-2022 school year, whichever is later.

(b) “Teacher of record” means an individual to whom either of the following apply:

(i) All of the following:

(A) One of the following, as applicable:

(I) The individual holds a valid Michigan teaching certificate.

(II) The individual holds a teaching permit recognized by the department, including, but not limited to, a permit for substitute teaching.

(III) The individual is assigned to teach for less than 90 days.

(IV) The individual is teaching under either section 1233b or 1233c of the revised school code, MCL 380.1233b and 380.1233c.

(B) The individual is responsible for providing instruction, determining instructional methods for each pupil, diagnosing learning needs, assessing pupil learning, prescribing intervention strategies and modifying lessons, reporting outcomes, and evaluating the effects of instruction and support strategies.

(C) If the individual holds a valid Michigan teaching certificate or a teaching permit recognized by the department, the individual has a personnel identification code provided by the center.

(ii) If the pupil instruction is being provided by a community college or university, the individual is employed by or contracted through the providing community college or university.”

12. Amend page 260, following line 29, by inserting:

“Sec. 98d. (1) From the state school aid fund money appropriated under section 11, there is allocated for ~~2020-2021~~–2021-2022 an amount not to exceed \$2,000,000.00 to Northern Michigan University to support the MLC as described in this section. Northern Michigan University shall not retain any portion of the funding received under this section for administrative purposes and shall provide funding to support the MLC. All of the following apply to the MLC:

(a) The MLC must be created to help bridge equity gaps in K to 12 education linked to a student’s ability to engage in distance learning because of inadequate internet access or a lack of devices in the home.

(b) The MLC shall provide over-the-air broadcasts 24 hours each day for 7 days each week of quality instructional content that is aligned with this state’s K to 12 educational standards. Over-the-air broadcasts as described in this subdivision must be streamed live and must be archived for on-demand viewing on a companion website, along with additional learning materials relevant to lessons.

(c) The MLC must be managed and operated by DPTV, and DPTV shall assume all risk, liability, and responsibility for the MLC in accordance with regulations by the U.S. Federal Communications Commission, PBS broadcast standards, and standard nonprofit business standards. DPTV shall serve as the fiduciary agent and service manager for the MLC. The MLC shall originate from a central operations center that is responsible for providing the infrastructure, content, and engagement of the MLC in partnership with this state’s educational leadership organizations.

(d) The MLC shall require that DPTV provide technology, funding, staff training, and central management of the MLC to station partners to insert additional channels into each station’s broadcast streams and to support staffing and engagement as outlined in a memorandum of understanding among the stations.

(e) The MLC shall require that DPTV partner with at least 5 other Michigan public television stations including, but not limited to, WKAR, WGJU, WDCQ, WCMU, and WNMU, to deliver the over-the-air MLC broadcasts described in this section and to support engagement with local educators. Stations described in this subdivision must be able to use the infrastructure provided by the MLC to develop their own local content that best serves their communities.

(f) The MLC shall not use the funds received from Northern Michigan University under this section in support of the MLC for any purposes fully funded by the governor’s emergency education relief fund grant.

(2) Not later than February 1, ~~2021~~–2022, the MLC shall provide a report to the house and senate appropriations subcommittees responsible for ~~state~~ school aid, the house and senate fiscal agencies, and the state budget director detailing the MLC’s compliance with ensuring that conditions listed under subsection (1) were met.

(3) Notwithstanding section 17b, the department shall make payments under this section not later than December 1, ~~2020~~–2021.

(4) As used in this section:

(a) "DPTV" means Detroit public television.

(b) "MLC" means the Michigan learning channel." and adjusting section 11 and enacting section 1 accordingly.

The Senate agreed to the substitute as amended 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. 81, entitled

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 11, following line 11, by inserting:

"Sec. 216. It is the intent of the legislature that judges who are presiding over a hearing on a foster care case shall publicly acknowledge and request the input of the foster parent or foster parents during the hearing.

Sec. 217. If the judicial branch makes any changes to a foster care family service plan before its finalization, it is the intent of the legislature that the presiding judge provide an explanation for any changes to that plan in the court record."

The Senate agreed to the substitute as amended 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. 92, entitled

A bill to make appropriations for the state transportation department for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

Substitute (S-4).

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

Senate Bill No. 83

Senate Bill No. 81

Senate Bill No. 92

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 83

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 83, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2020 PA 165 and section 17b as amended by 2007 PA 137.

The question being on the passage of the bill,
Senator Bayer offered the following amendments:

1. Amend page 26, line 12, after “section” by striking out “98b.” and inserting “98a.”.
2. Amend page 28, line 6, after “For” by striking out the balance of the line through the second “for” on line 7.
3. Amend page 28, line 23, after “For” by striking out the balance of the line through the second “for” on line 24.
4. Amend page 29, line 12, after “(c)” by striking out the balance of the line through “at” on line 14 and inserting “At”.
5. Amend page 30, line 16, after “(d)” by striking out the balance of the line through “the” on line 18 and inserting “The”.
6. Amend page 30, line 24, after “(e)” by striking out the balance of the line through “the” on line 26 and inserting “The”.
7. Amend page 256, line 8, by striking out section 98b.
8. Amend page 285, line 2, after “year” by striking out “for the period of that first half for which section 98b(1)(a)(i) or (ii) applies to the district, as applicable.”.
9. Amend page 350, line 11, after “81,” by striking out “98b.”.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 165

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Polehanki offered the following amendment:

1. Amend page 114, following line 1, by inserting:

“Sec. 29. (1) From the state school aid fund money appropriated under section 11, there is allocated for 2021-2022 an amount not to exceed \$200,000,000.00 for payments as provided under this section to eligible districts described in subsection (2).

(2) A district for which its highest October 3-year count exceeds the calculation of membership for that district under section 6(4) for 2021-2022 is an eligible district under this section.

(3) The payment to each eligible district under this section must be equal to [the difference between the district’s highest October 3-year count and the district’s total 2021-2022 pupils in membership] multiplied by the district’s foundation allowance as calculated under section 20, not to exceed the target foundation allowance described in section 20.

(4) If funds allocated under this section are insufficient to fully fund the calculations under this section, the department shall apply proration on an equal percentage per district.

(5) As used in this section, except as otherwise provided in this subsection, “highest October 3-year count” means the highest number of pupils counted in membership on the pupil membership count day for the current fiscal year and the 2 fiscal years immediately preceding the current fiscal year. However, for a district that is not a cyber school, as that term is defined in section 551 of the revised school code, MCL 380.551, when determining the number of pupils counted in membership on pupil membership count day for the 2020-2021 school year for purposes of this subsection, the number of pupils to be counted in membership for that pupil membership count day are the number of pupils engaged in pandemic learning for fall 2020.” and adjusting the totals in section 11 and enacting section 1 accordingly.

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 serving not voting therefor, as follows:

Roll Call No. 166

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

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. 167

Yeas—19

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

Nays—17

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Theis offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 4, 6, 6a, 11, 11a, 11j, 11k, 11m, 11s, 15, 18, 19, 20, 20d, 20f, 21f, 21h, 22a, 22b, 22d, 22m, 22p, 24, 24a, 25f, 25g, 25i, 26a, 26b, 26c, 28, 29a, 31a, 31d, 31f, 31j, 31m, 31n, 32d, 32p, 35a, 35b, 35d, 35e, 35f, 39, 39a, 41, 51a, 51c, 51d, 51f, 53a, 54, 54b, 54d, 55, 56, 61a, 61b, 61d, 62, 65, 67, 67a, 74, 81, 94, 94a, 95b, 98, 98d, 99h, 99i, 99s, 99t, 99u, 99w, 99x, 99z, 101, 104, 104a, 104f, 104g, 105, 105c, 107, 147, 147a, 147b, 147c, 147e, 152a, and 152b (MCL 388.1604, 388.1606, 388.1606a, 388.1611, 388.1611a, 388.1611j, 388.1611k, 388.1611m, 388.1611s, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620f, 388.1621f, 388.1621h, 388.1622a, 388.1622b, 388.1622d, 388.1622m, 388.1622p, 388.1624, 388.1624a, 388.1625f, 388.1625g, 388.1625i, 388.1626a, 388.1626b, 388.1626c, 388.1628, 388.1629a, 388.1631a, 388.1631d, 388.1631f, 388.1631j, 388.1631m, 388.1631n, 388.1632d, 388.1632p, 388.1635a, 388.1635b, 388.1635d, 388.1635e, 388.1635f, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1651f, 388.1653a, 388.1654, 388.1654b, 388.1654d, 388.1655, 388.1656, 388.1661a, 388.1661b, 388.1661d, 388.1662, 388.1665, 388.1667, 388.1667a, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1695b, 388.1698, 388.1698d, 388.1699h, 388.1699i, 388.1699j, 388.1699t, 388.1699u, 388.1699w, 388.1699x, 388.1699z, 388.1701, 388.1704, 388.1704a, 388.1704f, 388.1704g, 388.1705, 388.1705c, 388.1707, 388.1747, 388.1747a, 388.1747b, 388.1747c, 388.1747e, 388.1752a, and 388.1752b), section 4 as amended by 2019 PA 58, sections 6, 11a, 11j, 11k, 11m, 11s, 15, 18, 20, 20d, 20f, 21h, 22a, 22b, 22d, 22m, 22p, 24, 24a, 25f, 25g, 26a, 26b, 26c, 28, 31a, 31d, 31f, 31j, 32d, 32p, 35a, 35b, 39, 39a, 41, 51a, 51c, 51d, 51f, 53a, 54, 54b, 54d, 55, 56, 61a, 61b, 61d, 62, 65, 67, 74, 81, 94, 94a, 95b, 98, 99h, 99s, 99t, 99u, 99w, 99x, 101, 104, 105, 105c, 107, 147, 147a, 147c, 147e, and 152a as amended and sections 25i, 29a, 35d, 35e, 35f, 67a, 98d, 99i, 99z, 104f, and 104g as added by 2020 PA 165, section 6a as amended by 2020 PA 149, sections 11, 21f, and 31n as amended and section 104a as added by 2021 PA 3, sections 19, 147b, and 152b as amended and section 31m as added by 2018 PA 265, and by adding sections 20m, 25k, 26d, 31p, 51g, 51h, 61g, 78, 94c, 97, 98b, 98e, and 167c; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senators Bayer, Schmidt and Polehanki asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bayer’s statement is as follows:

This is a very complicated bill and I really appreciate the work that my colleague from the 37th District put into this effort—a lot of really great things in here—but there’s a new feature that we needed to respond to.

The School Aid Act—section 98b—mandates in-person instruction for K-12 teachers and this amendment would remove that section. Our districts—particularly our teachers—have really expended a herculean effort over this past year learning how to teach online on the spot. Jumping to teaching some online and some at home, different kinds of hybrid models, continuously having to adapt, constantly on the fly adjusting to new

ways of teaching, and doing an amazing job. But the strain on districts and especially on teachers has really been intense. It's a grueling test and we've learned many things. One of the things we learned is that having the same teacher teach students who are online at the same time they're teaching students who are in person doesn't work. It's not possible for one person to divide their attention to what is effectively more than one classroom at the same time. The quality of education suffers. It's really not fair to the students or the teachers, whether they're at home or remote or in school. Section 98 mandates that our teachers do exactly this going forward—the same teacher must teach both in-person and remote students either at the same time or that teacher must put in double hours to be able to reach all those kids. It also mandates that the teacher be in-person in the school teaching, even if we have another wave, we have a variant, or we have some other emergency, the teacher must be in-person even there are no students in the school. Section 98 also makes it clear that a school district is responsible to provide equitable internet access to all the students who are remote. I love that idea. Having worked in this space and trying to work with folks here in Michigan to make sure we can do that, I'm excited to see the we're planning to put in another \$1 or \$2 billion to be able to do that. I'm really looking forward to that and I'm excited about that opportunity to work on that.

I have seen the sacrifices that our teachers have made firsthand over this year. I hope you all had the opportunity to visit some of the classrooms where teachers are talking to 10 kids in the room, 15 kids in the room, maybe the same number coming in remotely, valiantly, just trying to manage this. I'm actually seeing teachers who are working 12 hours per day because that's the only way they can take the time to try to provide a quality education to those kids is to go work after hours, after their in-person classes, to reach out to those kids online. I'm also seeing teachers in my Pontiac schools who are coming in voluntarily on Saturdays to help tutor kids who need extra help, online or in-person. After a year of asking our teachers to work like this, in almost impossible circumstances, we should be celebrating and thanking them, but we're not. Instead, we're tying them to their desks and demanding they continue to try to provide a quality education to all their students under almost impossible circumstances. Requiring our students to—allow our districts to allow remote attendance, providing equitable internet access without the funding to do this, we have to recognize that this is a very diverse state. Not all school districts are the same. Really, the same actions don't fit into every district.

We should not be demanding teachers somehow do twice the work every day with the same quality of instruction that they want to provide. It's just not possible. We are accustomed now to our teachers being heroes. Is it fair for us to expect them to continue this sacrifice forever? I say "no." Let's find the funding to add a second teacher. Let's find another way. Let's pay for internet access—all these things.

Senator Schmidt's first statement is as follows:

I appreciate my colleague from the 12th District's passion on this issue. We will continue to work on it. The intent of section 98b is to return to as close as possible pre-pandemic life for students and parents while not punishing school districts in the event that parents wish to keep their children at home or a state or local health order forces the school to be closed. We are attempting to give parents as much say as possible in the decision-making process for the education of their children. We will continue to work on this, but I would encourage my colleagues to please vote "no."

Senator Polehanki's statement is as follows:

Because of the pandemic, K-12 school districts have seen enormous fluctuations in student counts and as a result they are craving stability and certainty for the near future. Simply stated, my amendment would provide this stability without punishing growing districts. This is what school districts have asked for and this is what we should give to them. I ask that my colleagues support my amendment.

Senator Schmidt's second statement is as follows:

Thank you to my colleague from the 7th District for her support of this and passion concerning this issue, but we have increased the foundation allowance to give districts more flexibility as well as use the funds for a \$20 million increase in mental health. We have also gone back to a 90 percent fall, 10 percent last spring pupil count which will help those districts that have lost students in the past year, and so I'd urge my colleagues to please vote "no" on this amendment.

The following bill was read a third time:

Senate Bill No. 81, entitled

A bill to make appropriations for the judiciary for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Hollier offered the following amendment:

1. Amend page 2, line 20, after “24.0” by striking out “5,021,700” and inserting “5,626,700” and adjusting the subtotals, totals, and section 201 accordingly.

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 serving not voting therefor, as follows:

Roll Call No. 168

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Chang offered the following amendments:

1. Amend page 2, line 26, after “office—FTEs” by striking out “63.0” and inserting “64.0”.

2. Amend page 2, line 26, after “63.0” by striking out “11,331,000” and inserting “11,656,700” and adjusting the subtotals, totals, and section 201 accordingly.

Senator Chang requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 169

Yeas—16

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

Nays—20

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis

Bumstead	Lauwers	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	McBroom	Shirkey	Zorn

Excused—0

Not Voting—0

In The Chair: President

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. 170

Yeas—20

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hollier’s statement is as follows:

My amendment provides for \$605,000 to support implementation of recent changes to our expungement law. As you remember we talked a little bit earlier about the clean slate— it’s really important that we have the resources and also that as a state we invest in people having an opportunity to clear their record, because that’s going to be the most important part of them being able to get back into the workforce and move on from their life after they’ve served their time. I was really excited about the bipartisan work that we did earlier this year and continue to do and I look forward to getting this in the budget now.

Senator Bizon’s first statement is as follows:

Last year we appropriated \$24 million to fully fund this initiative. This should be a transfer of funds as opposed to additional General Fund funds. I would urge my colleagues to vote “no” on this amendment.

Senator Chang’s statement is as follows:

This amendment would fund the Governor’s recommendation to support the work of the Joint Task Force on Jail and Pretrial Incarceration. These funds would be used to collect and analyze pretrial data, identify jurisdictions with higher pretrial incarceration rates, and provide technical assistance for assessing pretrial risk and supervising defendants. It would also allow staff to conduct judicial trainings on pretrial best practices and constitutional compliance. I ask for support for my amendment.

Senator Bizon’s second statement is as follows:

This is a project that we have been working on for the past year. It was initially scheduled as a pilot program and as of yet I have not received the reports that were due from this program as to whether or not to make a decision as to whether or not to move forward with it. At this time money is not available in the current budget although we will be continuing to watch this program and we’ll continue discussions with my colleague across the aisle. For the time being, I urge my colleagues to vote “no” on this amendment.

The following bill was read a third time:

Senate Bill No. 92, entitled

A bill to make appropriations for the state transportation department for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Bayer offered the following amendment:

1. Amend page 35, following line 22, by inserting:

“Sec. 736. From the funds appropriated in part 1, up to \$10,000,000.00 shall be used for a rail freight development project that supports the delivery, storage, and distribution of propane in the Upper Peninsula.”.

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 serving not voting therefor, as follows:

Roll Call No. 171

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

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. 172

Yeas—19

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

Nays—17

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

Excused—0

Not Voting—0

In The Chair: President

Senator Lauwers moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

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

Roll Call No. 173

Yeas—20

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Bayer and McBroom asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bayer's statement is as follows:

Our energy supply is critical infrastructure as evidenced by the cyberattack on the oil pipeline on the East Coast. A lack of cybersecurity and no backup plan is wreaking havoc. Our Upper Peninsula has families whose energy supply depends entirely on one aging pipeline well past its life expectancy and has experienced hundreds of leaks up and down its travels from Canada through Michigan to Canada. While there is available capacity in the mitten part of the state to handle the small amount of oil from there that comes down here, there is no backup plan in place for Michigan families in the Upper Peninsula. This amendment would add the full \$10 million recommended by the Governor to begin U.P. rail work to provide a reliable, safe, and energy-efficient alternative and backup plan for those families to be able to get propane, to get that critical energy source. I know right now that there's another alternative—that we could put up trucks within a few months—that might be the right thing to do in the short term, but for the long term, a better alternative, a backup plan, would be an efficient, sufficient, and effective environmental impact improvements offering the most long-term and well-paying jobs to our citizens in Michigan of any of the options is this rail improvement in the Upper Peninsula. I hope you will open-mindedly consider approving my amendment.

Senator McBroom's statement is as follows:

It's probably a little unusual for a Senator to stand up and say, Please don't send money to my district this way, but I'm going to say that because this money is ridiculous. There's no plan, nobody's communicated with the railroad company, nobody's analyzed whether this is the right amount of money, or whether it will do the job that we need it to do. Meanwhile, why are we doing this? Some sort of gimmick. While we propose closing down the line today altogether that supplies the energy that my colleague just spoke about is so necessary and essential and is there—we don't have to spend money on it, we have a plan in place to make a better transportation system than ever, more secure than ever, and instead we're just going to destroy all of that and then drop \$10 million on building a rail spur in the Upper Peninsula. I have a lot of things in the U.P. if you want to send \$10 million to the U.P. for—I've got plenty of places that need it. This isn't one of them. This is spending money on a crisis that we have created ourselves, not most of us but a few people, have created for us. Before we plunge headlong into this crisis that begins today and propose spending \$10 million here and millions over here and a million more over there because we're going to have to help pay people to buy propane early. We're going to have to help pay to build more storage, millions of gallons of storage. We're going to have to pay for more rail cars because we don't have enough. We're going to have to build more track than one little siding to one plant in Rapid River because you can't pass this many rail cars by each other every day on the tracks we have available. This \$10 million is just plain ludicrous. Its an insult to the people of the Upper Peninsula and I'm ashamed that our Governor proposed it in the first place. I'm a little annoyed that nobody even came and talked to me about it as the only person who lives there in this chamber. I ask for you to vote "no" on this amendment, and I ask it emphatically.

Recess

Senator Lauwers moved that the Senate recess until 1:45 p.m.

The motion prevailed, the time being 12:48 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Gilchrist.

Recess

Senator Schmidt moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:48 p.m.

1:59 p.m.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator VanderWall offered the following resolution:

Senate Resolution No. 51.

A resolution to observe May 16-22, 2021, as Emergency Medical Services (EMS) Week.

Whereas, Emergency medical services personnel have provided a vital public service on the front lines of a global pandemic; and

Whereas, EMS providers have gone above and beyond to adapt during the COVID-19 healthcare crisis, putting their own health and safety at risk to care for their communities; and

Whereas, Access to quality emergency care dramatically improves the survival and recovery rate of individuals experiencing sudden illness or injury; and

Whereas, EMS providers stand ready to provide lifesaving healthcare to Michigan residents 24 hours a day, 7 days a week; and

Whereas, EMS personnel continue to enhance their lifesaving skills through thousands of hours of specialized training and continuing education; and

Whereas, EMS workers fill critical healthcare gaps by providing important out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

Whereas, Attention must be given to the value and accomplishments of EMS agencies and providers who work around the clock in any type of emergency, dedicating their lives to save others; now, therefore, be it

Resolved by the Senate, That the members of this legislative body observe May 16-21, 2021, as Emergency Medical Services (EMS) Week; and be it further

Resolved, That we encourage Michiganders to recognize all of the contributions made by EMS providers to the continued health, safety, and well-being of the people in our state.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Lauwers moved that the resolution be referred to the Committee on Health Policy and Human Services.

The motion prevailed.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Gilchrist, designated Senator Bullock as Chairperson.

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

Senate Bill No. 90, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

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 bill, now on Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 90
The motion prevailed, a majority of the members serving voting therefor.

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

Senator Lauwers moved that the Senate proceed to consideration of the following bill:
Senate Bill No. 90
The motion prevailed.

The following bill was read a third time:
Senate Bill No. 90, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,
Senator McCann offered the following amendments:

1. Amend page 9, line 22, after "positions" by striking out "62.7" and inserting "62.9".
2. Amend page 9, line 25, after "positions" by striking out "175.4" and inserting "176.6".
3. Amend page 9, line 26, after "positions" by striking out "718.1" and inserting "725.5" and adjusting the subtotals, totals, and section 201 accordingly.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 174

Yeas—16

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator McBroom offered the following amendment:

1. Amend page 24, following line 16, by inserting:

“Sec. 224. From the amount appropriated in part 1 for unclassified salaries, the department shall be responsible for reimbursement of legal fees related to the State’s actions to revoke and terminate the 1953 easement authorization for use of state-owed bottomlands in the Mackinac Straits if such legal actions are unsuccessful.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Horn requested the yeas and nays.

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

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

Roll Call No. 175

Yeas—20

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: President

The 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. 176

Yeas—20

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

Nays—16

Alexander	Bullock	Hollier	Moss
Ananich	Chang	Irwin	Polehanki

Bayer
Brinks

Geiss
Hertel

McCann
McMorrow

Santana
Wojno

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators McCann, Bumstead, Lauwers, Hertel, McBroom, Stamas, Chang and Irwin asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McCann’s first statement is as follows:

I offer this amendment to restore the Governor’s recommendation to authorize 8.8 jobs in the DNR which were eliminated in this proposed budget. Michigan has some of the best state parks in the entire country and it’s the hardworking folks at the Department of Natural Resources who keep these places clean and safe. Last year because of the pandemic, we had a record number of visitors to our state parks, something we should continue to celebrate, especially as our weather is warming and people go in search of safe outdoor places and things to do with family and friends. I ask my colleagues for their support of this amendment to restore these critical positions.

Senator Bumstead’s statement is as follows:

I expressed to the subcommittee they’re willing to work with the department to move around the positions that are currently unfilled. To fulfill the request, we didn’t see the urgency to add more FTEs at this time. I urge a “no” vote on this amendment.

Senator Lauwers’ statement is as follows:

I just want people to know that if you read this amendment, you may not be able to understand what it’s exactly doing. The clear intent of this amendment is that if the department insists on pursuing a lawsuit against Enbridge over the Line 5 issue and they lose, that the charges will fall back on DNR employees themselves.

Senator Hertel’s first statement is as follows:

I think it was worded confusingly and I’m glad somebody pointed that out, but I’m still not exactly understanding from the comments so I’d appreciate if we could get a little more clarification through you to the sponsor or to anybody else who would like to explain it. Is it my understanding—and tell me if I’m wrong, please—that what we would be saying is that Michigan taxpayer dollars would be used to pay for the legal defenses of a Canadian oil company that is responsible for one of the largest environmental catastrophes that’s ever happened in this state, and that we would be saying to the Michigan taxpayers should pay their legal costs moving forward under any scenario? Obviously nothing is paid for by these employees. You’re saying that—please correct me if I’m wrong, I’d appreciate it—taxpayer dollars would be used to pay a Canadian oil company’s legal defense funds. If that is accurate, I’m very happy to vote “no” on the amendment, but I would love an explanation.

Senator McBroom’s first statement is as follows:

Last session, I introduced legislation called “loser pay.” In the previous session, my predecessor—Senator Tom Casperson—introduced legislation on the same thing—“loser pay.” This is simply another iteration of that. If we allow our departments to pursue foolish and ill-advised legal strategies that land this state into a position of spending incredible amounts of taxpayer dollars in litigation, when we’re going to lose, right now the penalty for that is nothing. Our departments freely advance legal theories and litigation with no consequence to themselves, no consequence to those who work there, because, hey, it’s just taxpayer dollars, no big deal. Let’s just go for it. Let’s stick it to the old people who are trying to put in a drain field

and we won't give them a permit even though it's obvious that they deserve one and we finally go through ten years of litigation to get their \$75 permit. They paid all their legal costs. What did the department lose? Nothing. Job security. We do this again and again. Just finished ten years of litigation on pigs—on pigs—and the state lost. What do the pig owners who still exist get for all of that trouble? Good luck, now you can be in operation, no problem. Nothing for those who lost their businesses and moved away from this state. Nothing for those who lost years of money and revenue. This is simply an iteration of "loser pay." The state wants to plunge into this ridiculous legal strategy of stealing easements from people, violating contractual obligations, it's ridiculous. It's a bad legal strategy. If I grant an easement across my property to anybody and I don't like how they handle themselves on the easement, I can go to court and say I don't like it, but I'm not getting it back. That's not the way it works. If the Department of Natural Resources is going to take taxpayer dollars and spend it on this litigation which is sure to be drawn out and go up multiple levels of courts and you're genuinely concerned about taxpayer dollars, my strategy has been, as it was in my bills of the past and my predecessor's bills, is that it forced the department to consider the costs, forced them to recognize this litigation will cost you something. You can't just have a freebie on the taxpayers. It's going to change the structure of your department. People aren't going to be here anymore. Think about it before you advance this cause. I recommend a "yes" vote.

Senator Hertel's second statement is as follows:

I appreciate the three minute and 15 second answer of "yes," that what I was asking was correct and that what this amendment will do is allow for state taxpayer dollars to go to pay the defense costs of a Canadian oil company that's responsible for the largest man-made environmental disaster in Michigan's history. Again, I would say that they're not the department's dollars, they're not the Legislature's dollars, they're the Michigan taxpayer's dollars, and they should not go to a corporation—certainly a corporation that's outside this state; a corporation that's outside this country—and has been frankly responsible for some fairly large environmental disasters here. I doubt Michigan taxpayers want to pay their legal defense costs.

Senator Stamas' first statement is as follows:

I appreciate the good Senator from the 23rd District's remarks. I think this is very similar to what the state faces with wrongful imprisonment, when we have counties and others who have wrongfully imprisoned inmates from across the state and we pay tens of millions of dollars to the inmates. If the good Senator from the 23rd District is that concerned, I am happy to add an amendment that would cap the department at the previous year's amount for the budget and then just make sure it comes out so there's no additional cost to the taxpayers of Michigan.

Senator McBroom's second statement is as follows:

I'd like to respond to the allegations about the biggest disaster in Michigan because I guess we're about to eclipse that by shutting down the pipeline. Let's have an even bigger disaster for the people of Michigan. Let's have a bigger disaster for our jobs, for our economy, and for our ability to live in the Upper Peninsula and Northern Michigan in the wintertime. Let's eclipse any disaster we've had before and let's just do it to ourselves and let's sit here in this chamber with our authority over the budget and do nothing. How does that sound? Maybe that's what we should do. Just throw our hands up in the air and pretend that we should do nothing—nothing about an administration that's pursuing a foolish legal strategy, a ridiculous legal strategy; we should do nothing about the failure to even start a realistic conversation on bringing in alternatives. Oh, let's just throw \$10 million at some railroad tracks. That's what we're going to do? We're not going to support this message to the administration, that we cannot tolerate this kind of foolery? I ask for your reconsideration if you're thinking of voting "no." I ask for your reconsideration if you're sitting on your hands regarding this whole debacle that we're about to unleash on the people of Michigan and our surrounding communities. Remember, I heard today from someone who's like, Well, you know, this is a bigger deal for Ohio than it is for Michigan so why should we care? As if we don't care about a good economy in our neighboring states, we don't have people who live on both sides of the border, we don't have Michigan workers working in the refinery in Toledo? We do. These things matter. Canada, Ohio, Indiana, Michigan, Wisconsin—our success is mutually tied together and we're going to be the state to flush that down the drain? It's ridiculous. I encourage your "yes" vote on this amendment.

Senator Chang's statement is as follows:

As someone who represents much of the Detroit riverfront, I have a lot of love for Canada and I have a lot of love for our Canadian partners. However, I think it's very inappropriate to compare paying the legal fees of a Canadian company to paying those who were wronged by our justice system. I'm honestly really disappointed to hear that comparison to the wrongful imprisonment compensation fund. That is something

that is a result of many years of hard work by a number of legislators and is something that our exonerees fully deserve and the comparison is frankly appalling. Just to reiterate, I think, again, as the state of Michigan, of course we have the responsibility to pay those whom we wronged and to compare that somehow to a Canadian company which is moving oil from Canada through Michigan, mostly to Canada, is just really, really inappropriate. I'm urging a "no" vote on this amendment.

Senator Irwin's statement is as follows:

I just want to briefly add my voice to this conversation on the floor, and to say that it's very interesting to hear about this concept of "loser pay" because one of the things I've been fighting for in this Legislature for many years is to make sure that the polluters pay here in Michigan. When they befoul our environment, when they poison our water, when they increase the likelihood that any one of us or any of our constituents is going to get cancer and die prematurely, they should be the ones who are forced to pay for that. Unfortunately, time and time again in this Legislature, the losers are the citizens. Once again, here we are where the public and our State Senate has to listen to people say that a private company has permanent deed and title to the Great Lakes bottomlands. The Great Lakes are held in public trust by all the people of Michigan. The Great Lakes bottomlands in the Straits of Mackinac are owned by the people of Michigan. They are not owned by the people of Canada, and they are certainly not owned by Enbridge Corporation. If we're going to get serious about protecting the taxpayers, let's pass "polluter pay" legislation. Let's make sure that these companies that are squeezing out a little bit of extra profit for their shareholders and owners in Canada have to actually pay for the mess they make here in our state. And, let's stand up for our property rights. The people of Michigan own the Great Lakes bottomlands, and this company that is squeezing out extra profit benefiting from using our bottomlands imperiling our lakes should have to pay for that. They should have to be held to account to meet all the requirements of that long-ago easement. For us to stand here and just wave arms and say that Enbridge Corporation has permanent deed and title to the Great Lakes bottomlands is frustrating and I felt I had to stand up and stand up for the people of Michigan. That's our property. The Great Lakes belong to the people of Michigan, not Enbridge.

Senator Stamas' second statement is as follows:

I appreciate the remarks from my colleagues across the aisle, and I would say that unfortunately we have experienced a time within the Kalamazoo River where this actual entity had a spill. What did they do? They paid, they cleaned it up, and restored it to a better state, frankly, than it was prior. The polluter did pay and showed their responsibility as well. Thank you for that.

Senator McCann's second statement is as follows:

A few times in the past few months as we've been talking about Line 5 in the Energy and Technology Committee and other places, it seems to come the suggestion that somehow Kalamazoo and Marshall were better off after an oil spill than before. If that sits OK in your heads, that's an interesting thought because I'm sure that all the people affected by that oil spill would have probably preferred that it hadn't happened in the first place. I assure you there are longer-lasting impacts and that this is not 100 percent cleaned up. Yes, the corporation paid but I'm going to guess that they probably didn't finish the job as well as they could have or paid as much as they should have for all the damages inflicted on these citizens who did not ask for oil to come into their water or land. To the effect of the amendment, it just strikes me that, you know, I'm glad that my colleagues seem to know how lawyers and judges are going to operate in litigation over a pipeline. I'm glad you have that clairvoyance. I'd be glad to see it play out in the normal legal process.

By unanimous consent the Senate proceeded to the order of
Statements

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:

Today, the Perinatal Mood Disorder Coalition gathered to raise awareness of postpartum mood and anxiety disorders as well as the need for the passage of my bill, Senate Bill No. 252, which would extend temporary Medicaid coverage from 60 days to one year for new mothers in Michigan.

I am the mother of three children who are now young women. And like most expectant mothers I was told during my pregnancy and during the birth of my children and the first years with them would be among the most exciting and joyful times in my life. And that was certainly true. But what we don't always hear is that the first year can also be a time of intense uncertainty, worry, and anxiety for any parent. It can be overwhelming. And this can run particularly deep for the many mothers who already live with or develop mood and anxiety disorders during or after their pregnancy.

PMAD, historically known as postpartum depression, affects tens of thousands of Michigan women and their families each year. Symptoms can vary and include depression, anxiety, feeling overwhelmed, guilt, irritability, anger, difficulty sleeping and eating, feeling disconnected with one’s baby, and experiencing frightening or intrusive thoughts. PMAD can appear during pregnancy and up to two years after a baby is born. Experts estimate that only 40 percent of mothers who experience perinatal mood and anxiety disorders actually seek treatment. That is less than half.

Addressing these disorders not only ensures the wellbeing of mothers, it also improves mother-infant relationships and has long-term benefits for children. Overall, access to mental health services falls drastically short in meeting the growing need. This is particularly pronounced as we continue to navigate this pandemic. According to the Kaiser Foundation, while postpartum care has traditionally centered around one clinical visit six to eight weeks after delivery, there has been a paradigm shift to emphasize that postpartum care is an ongoing process that typically requires multiple visits and follow-up care that may last a year or longer. While this is particularly important for those who experience pregnancy complications or have chronic conditions like hypertension or diabetes, the health benefits don’t stop there. One year of pregnancy-related Medicaid will also help guarantee that new mothers have access to live-saving mental health care.

Because postpartum depression can appear as long as two years after birth, many moms don’t realize that they need help until they are out of the current coverage window. There is also a real need to make sure new mothers who are at risk for substance use disorders, or SUD, do not relapse after the 60-day window closes. The Centers for Medicaid and Medicare Services believe expanding coverage will ensure access to SUD treatment, counseling, and therapy. So no matter the reasons for barriers to care for mothers—whether they are driven by typical assumptions about how we are supposed to feel about motherhood or inadequate access to quality mental health services, or the unfair and persistent stigma associated with seeking treatment—we must demand changes for moms today and for future generations.

I want to know that my three daughters—should they choose to become mothers themselves—and all women of their generation won’t face stigma and barriers to get the care that they need. It is our duty to look out for every Michigander throughout their lives and especially when they are at their most vulnerable. It is time to recognize perinatal mental health needs and finally make physical and mental health services accessible and affordable. I invite you to join me and maternal health advocates across our state to fight for access to the perinatal and anxiety care every Michigan mother and family deserves.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 12:

House Bill Nos. 4237 4394 4395 4397 4401 4407 4408 4419 4421 4599 4600

The Secretary announced that the following bills and resolution were printed and filed on Tuesday, May 11, and are available on the Michigan Legislature website:

Senate Bill Nos. 429 430 431 432 433 434

Senate Resolution No. 50

**House Bill Nos. 4813 4814 4815 4816 4817 4818 4819 4820 4821 4822 4823 4824 4825
4826 4827 4828 4829 4830 4831**

Committee Reports

The Committee on Oversight reported

House Bill No. 4022, entitled

A bill to amend 2016 PA 370, entitled “Electronic open access to government act,” by amending section 1 (MCL 15.451).

With the recommendation that the bill pass.

Ed McBroom
Chairperson

To Report Out:

Yeas: Senators McBroom, Theis and Bizon

Nays: Senator Irwin

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Oversight submitted the following:

Meeting held on Tuesday, May 11, 2021, at 2:00 p.m., Room 403, 4th Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, May 11, 2021, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

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

Scheduled Meetings

Agriculture – Thursday, May 13, 8:30 a.m., Room 1200, Binsfeld Office Building (517) 373-1721

Economic and Small Business Development – Thursday, May 13, 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-1721

Health Policy and Human Services – Thursday, May 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Judiciary and Public Safety – Thursday, May 13, 9:05 a.m., Room 403, 4th Floor, Capitol Building (517) 373-5312

Oversight – Thursday, May 13, 9:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5312

Transportation and Infrastructure – Thursday, May 13, 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (517) 373-5323

Senator Lauwers moved that the Senate adjourn.

The motion prevailed, the time being 2:35 p.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, May 13, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

