

No. 82
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Tuesday, October 19, 2021.

10:00 a.m.

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

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

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

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

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

Senator Michael D. MacDonald of the 10th District offered the following invocation:

Dear Lord, we thank You for the opportunity to gather today. May everything we do in these chambers begin with inspiration from You. We ask that You strengthen us, restore us, and inspire us with Your love. We also ask for guidance throughout our day and that all of our thoughts and actions would reflect on Your kindness. Amen.

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

Motions and Communications

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

Senator Chang moved that Senators Ananich, Moss and Hollier be temporarily excused from today's session. The motion prevailed.

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

October 14, 2021

Enclosed is a copy of the following report:

- Follow-up audit of the Aging and Adult Services Agency, Michigan Department of Health and Human Services (391-0645-18F).

Sincerely,
Doug Ringle
Auditor General

The audit report was referred to the Committee on Oversight.

The following communication was received:
Office of Senator Tom Barrett

October 14, 2021

I, Senator Tom Barrett, would like my name removed as the sponsor of Senate Bill 687. If you have any questions, please contact me or my office.

Sincerely,
Tom Barrett
State Senator
24th District

The communication was referred to the Secretary for record.

The following communications were received:
Office of Senator Lana Theis

October 14, 2021

Per Senate Rule 3.105 I request to be removed as the official sponsor to Senate Bill 688.

October 14, 2021

Per Senate Rule 3.105 I request to be added as a co-sponsor to Senate Bill 688.

Sincerely,
Lana Theis

The communications were referred to the Secretary for record.

The following communication was received:
Office of Senator Paul Wojno

October 14, 2021

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 192 which was introduced on March 2, 2021 by Senator Curtis Hertel.

Warmest Regards,
Paul Wojno
State Senator
9th District

The communication was referred to the Secretary for record.

The following communication was received:
County of Muskegon

October 15, 2021

Attached please find Muskegon County Resolution 2021-411 supporting West Michigan Agriculture Technologies and Regional Food Systems Initiative which was passed by the Muskegon County Board of Commissioners on Tuesday, October 12, 2021.

Linda Sue Schutter
Administrative Secretary
County Clerk’s Office

The communication was referred to the Secretary for record.

The following communications were received:
Office of Senator Ruth A. Johnson

October 19, 2021

I respectfully request to be added as a cosponsor to Senate Bill 687.
Thank you.

October 19, 2021

I respectfully request to be added as a cosponsor to Senate Bill 688.
Thank you.

Sincerely,
Ruth A. Johnson
State Senator
14th District

The communications were referred to the Secretary for record.

The Senate Business Office submits, pursuant to rule 1.208, the following report on out-of-state travel by members on legislative business for the quarter ended September 30, 2021:

Senator Marshall Bullock II	July 10-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 1,887.43
Senator Ken Horn	July 10-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 1,146.32
Senator Ed McBroom	July 21	Beneficial Re-Niagara Project Niagara, Wis.	\$ 19.04
	August 20	Tour with EGLE Director Niagara, Wis.	\$ 57.12
Senator Sylvia Santana	July 10-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 1,586.36
Senator Mike Shirkey	July 10-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 2,241.76
Senator Jim Stamas	July 8-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 2,267.04
Senator Curt VanderWall	July 11-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 1,842.82
Senator Roger Victory	July 11-14	CSG Midwest Legislative Conference Rapid City, S.D.	\$ 475.00

Senator Moss entered the Senate Chamber.

Recess

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

10:26 a.m.

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

During the recess, Senators Hollier, McBroom and Ananich entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Alexander, McBroom, Irwin, Moss, Santana, Bayer, Polehanki, Chang, Brinks, Geiss, Wojno, Hollier, McCann, Ananich, Zorn, Stamas, Lauwers, MacDonald, Johnson, Barrett, Theis, Bumstead, Victory, Horn, Daley, Outman, LaSata, Schmidt and VanderWall introduced

Senate Joint Resolution K, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article I, to prohibit involuntary servitude for the punishment of crime.

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

Senators Irwin, Bayer, Santana and Bullock introduced

Senate Bill No. 690, entitled

A bill to create a marihuana business grant program; to provide for the powers and duties of certain state governmental officers and entities; and to provide for the promulgation of rules.

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

Senators Runestad and Johnson introduced

Senate Bill No. 691, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2019 PA 174.

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

Senators LaSata, Ananich, Bizon and VanderWall introduced

Senate Bill No. 692, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2020 PA 131.

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

Senators LaSata, Ananich, Bizon and VanderWall introduced

Senate Bill No. 693, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2020 PA 130.

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

House Bill No. 4270, entitled

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

The 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. 5259, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 521 (MCL 600.521), as amended by 2001 PA 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 Judiciary and Public Safety.

House Bill No. 5267, entitled

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

The 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. 5376, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30 and 623 (MCL 206.30 and 206.623), section 30 as amended by 2020 PA 65 and section 623 as amended by 2014 PA 13, and by adding sections 254 and 675 and part 4.

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

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

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 Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 683

Senate Bill No. 569

Senate Bill No. 637

Senate Bill No. 638

Senate Bill No. 687

Senate Bill No. 688

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Daley as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Nesbitt, having resumed the Chair, the Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 687, entitled

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

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. 688, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30 and 697 (MCL 206.30 and 206.697), section 30 as amended by 2020 PA 65 and section 697 as added by 2011 PA 38, and by adding sections 279 and 679.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of
Motions and Communications

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

Senate Bill No. 687

Senate Bill No. 688

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. 687

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 687, entitled

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

The 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. 388

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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 688, entitled

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

The 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. 389

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: Nesbitt

The Senate agreed to the title of the bill.

Protests

Senators Polehanki, McMorrow, Santana, Bullock, McCann, Wojno, Alexander, Geiss, Hertel, Bayer, Moss, Chang, Ananich, Hollier and Brinks under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 687 and 688.

Senator Polehanki moved that the statement she made during the discussion of Senate Bill No. 687 be printed as her reasons for voting “no.”

The motion prevailed.

Senator Polehanki’s statement, in which Senators McMorrow, Santana, Bullock, McCann, Wojno, Alexander, Geiss, Hertel, Bayer, Moss, Chang, Ananich, Hollier and Brinks concurred, is as follows:

Very simply, these bills are voucher schemes that have been shamelessly introduced during a pandemic that would send Michigan taxpayer dollars mainly to private and religious schools, while giving generous tax benefits to wealthy donors. If these bills pass, it’s estimated by the Senate Fiscal Agency that there would be a billion dollar loss to the General Fund by the fifth year of the program. That is a billion, with a B. In a committee hearing on these bills this morning, my colleagues from across the aisle who sponsored these bills were unable to answer what they would cut in the budget to make up for a billion dollar revenue loss. All in order to provide tax cuts to private citizens.

Most importantly though, Mr. President, these bills are blatantly unconstitutional. The Michigan Constitution is crystal clear on the subject of using public money for private or religious education.

Article VIII, Section 2 states, and I quote, “[t]he legislature shall maintain and support a system of free public elementary and secondary schools”, and “[n]o payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies...shall be provided, directly or indirectly, to support the attendance of any student...at any...nonpublic school.”

More than once, Michigan voters have made it abundantly clear that they do not support vouchers in Michigan. These bills should be rejected.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received:

Date: October 14, 2021

Time: 8:47 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 128 (Public Act No. 90), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 14 (MCL 257.14), as amended by 2012 PA 498.

(Filed with the Secretary of State on October 15, 2021, at 2:05 p.m.)

Respectfully,

Gretchen Whitmer

Governor

The following message from the Governor was received on October 14, 2021, and read:

EXECUTIVE ORDER

No. 2021-14

Department of Health and Human Services

Executive Reorganization

Michigan’s population is rapidly aging. Already, residents 50 and older make up 37 percent of the state’s population. By 2025 – 10 years ahead of the national projection – Michigan residents 65 and older will outnumber those younger than 18.

Active aging is a life-long process and state government has an important role to play in ensuring that Michigan is a leader among states in healthy and active aging for all. Our Department of Health and Human Services plays a critical role ensuring that services to the aging are delivered holistically and effectively. However, these services are currently divided between multiple agencies within MDHHS, including the Medical Services Administration and the Aging and Adult Services Agency. Bringing these services together under the umbrella of the newly established Health and Aging Services Administration will strengthen the

continuum of support and services by improving collaboration and efficiency among programs serving an aging population.

Governor Milliken recognized the importance of having an effective and visible advocate for aging and older persons in all government decisions when he signed the Older Michiganians Act, 1981 PA 180, creating the Commission on Services to the Aging. This order maintains the independence of the Commission, while elevating the voices of the aging community to the highest levels of the Department. Going forward, in addition to its responsibilities developing the state plan on aging, the Commission will advise the Director on how to best support an aging population in developing and implementing the Department's strategic priorities.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Commission on Services to the Aging is transferred to the Department.

(a) The Commission on Services to the Aging is transferred by Type I transfer from the Aging and Adult Services Agency to the Department.

(b) The Commission on Services to the Aging must be an effective and visible advocate for aging and older persons and will report to the Director or the Director's designee.

2. Transfer of the Adult Community Placement program to the Department.

(a) The Adult Community Placement program, including all its authority, powers, duties, functions, and responsibilities established by the Social Welfare Act, 1939 PA 280, MCL 400.14, is transferred by Type II transfer from the Aging and Adult Services Agency to the Department.

3. Creation of the Health and Aging Services Administration.

(a) The Health and Aging Services Administration is created within the Department.

(b) All authority, powers, duties, functions, and responsibilities of the Medical Services Administration are transferred by Type II transfer to the Health and Aging Services Administration.

(c) Except as otherwise provided in section 2, all authority, powers, duties, functions, and responsibilities of the Aging and Adult Services Agency are transferred by Type II transfer to the Health and Aging Services Administration.

(d) All authority, powers, duties, functions, and responsibilities vested in the chief executive of the Medical Services Administration are transferred to the chief executive of the Health and Aging Services Administration.

(e) All authority, powers, duties, functions, and responsibilities vested in the executive director of the Aging and Adult Services Agency are transferred to the chief executive of the Health and Aging Services Administration.

(f) The Medical Services Administration and the Aging and Adult Services Agency are abolished.

(g) The position of chief executive of the Medical Services Administration is abolished.

(h) The position of executive director of the Aging and Adult Services Agency is abolished.

4. Definitions.

(a) As used in this order:

(1) "Aging and Adult Services Agency" means the agency established by section V of Executive Reorganization Order 2015-1, MCL 400.227.

(2) "The Commission on Services to the Aging" means the commission established by Section 3 of 1981 PA 180, MCL 400.583.

(3) "Department" means the Department of Health and Human Services, a principal department of state government established by Executive Reorganization Order 2015-4.

(4) "Director" means the Director of the Department of Health and Human Services, described in section II of Executive Reorganization Order 2015-4.

(5) "Medical Services Administration" means the agency transferred to the former Department of Community Health by section 1(B)(1) of Executive Reorganization Order 1996-1, MCL 330.3101, and subsequently redesignated as a Type II agency by section I(1) of Executive Reorganization Order 1997-4, MCL 333.26324.

(6) "Type I transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103.

(7) "Type II transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103.

5. Implementation.

(a) The Director shall provide executive direction and supervision for the implementation of this order.

(b) State departments, agencies, and state officers shall fully and actively cooperate with and assist the Director. The Director may request the assistance of other state departments, agencies, and officers with

respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide that assistance.

(c) The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state’s financial management system necessary to implement this order.

(d) A rule, regulation, order, contract, or agreement relating to a function or responsibility transferred under this order lawfully adopted before the effective date of this order will continue to be effective until revised, amended, repealed, or rescinded.

(e) This order does not abate any criminal action commenced by this state before the effective date of this order.

(f) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(g) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

(h) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective December 14 at 12:01 a.m.

Given under my hand and the Great Seal of the State of Michigan.

Date: October 14, 2021

Time: 11:00 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

October 15, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 368 of 1978, MCL 333.16121 and 333.17903:

Michigan Athletic Trainers Board

Dr. Abdelrahim Asfour of 1511 Beaver Street, Dearborn, Michigan 48128, county of Wayne, succeeding Felix Valbuena, Jr. whose term has expired, appointed to represent physicians licensed under part 170 or 175, for a term commencing October 15, 2021 and expiring June 30, 2025.

October 15, 2021

I respectfully submit to the Senate the following appointment to office pursuant to Public Act 186 of 1973, MCL 205.721 and 205.722:

Michigan Tax Tribunal

Mr. Jason C. Grinnell of 946 Ogden Avenue, S.E., Grand Rapids, Michigan 49506, county of Kent, succeeding Preeti Gadola whose term has expired, appointed to represent attorneys, for a term commencing November 1, 2021 and expiring June 30, 2025.

Respectfully,
Gretchen Whitmer
Governor

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

The following message from the Governor was received and read:

ELECTIONS: COUNTY CLERKS TO UPDATE THE QUALIFIED VOTER FILE; REQUIRE ELECTRONIC NOTIFICATION TO CITY AND TOWNSHIP CLERKS OF CANCELED VOTER REGISTRATION RECORDS, AND REQUIRE THE SECRETARY OF STATE TO POST DATA ON THE DEPARTMENT’S WEBSITE REGARDING CANCELED VOTER REGISTRATION RECORDS

ELECTIONS: INITIATIVE AND REFERENDUM; TIME FRAME FOR THE BOARD OF STATE
CANVASSERS TO COMPLETE THE CANVASS OF AN INITIATIVE PETITION

October 15, 2021

Today I am returning two election-related bills to you without approval.

Every citizen of Michigan has the constitutionally-guaranteed right to vote and deserves to exercise that right in safe and secure elections.

Enrolled Senate Bills 277 and 280 are the latest in a series of election bills arriving on my desk that fail to advance those goals. Instead, these bills would divert key resources away from ensuring that every qualified Michigan resident can cast a secure ballot in our elections. SB 277 in particular disregards the state's successful process for maintaining the Qualified Voter File by adding burdensome requirements that would distract from core election administration responsibilities.

Nevertheless, I would be proud to sign common sense election reforms that would strengthen our democracy, including bills:

- improving military families access to the ballot by allowing active-duty Michiganders and spouses serving overseas to vote electronically,
- removing barriers to voting absentee by establishing a permanent absent voter list, and,
- expediting election returns by allowing sufficient time for preprocessing of absentee ballots.

I would also be willing to sign targeted legislation that allows county clerks to flag deceased voters based on death records in the fifteen days prior to an election – the only time period where Social Security records may be insufficient to timely update the Qualified Voter File based on recent deaths.

As always, I stand ready to join hands with anyone who shares these important goals.

Sincerely,
Gretchen Whitmer
Governor

These bills were returned from the Governor on October 15, 2021, at 2:19 p.m.

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Senator Lauwers moved that consideration of the bills be postponed for today.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 25, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2020 PA 65.

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

Senator Lauwers moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

Senate Bill No. 303, entitled

A bill to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 495, 523, 759, 759a, 759b, 761, 764b, 813, and 829 (MCL 168.495, 168.523, 168.759, 168.759a, 168.759b, 168.761, 168.764b, 168.813, and 168.829), sections 495, 813, and 829 as amended by 2018 PA 603, section 523 as amended by 2018 PA 129, sections 759 and 761 as amended by 2020 PA 302, section 759a as amended by 2012 PA 523, and section 764b as amended by 2018 PA 120, and by adding sections 760a and 946.

The House of Representatives has concurred in the Senate substitute (S-3) to the House substitute (H-1) and agreed to the full title as amended.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 304, entitled

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 523a (MCL 168.523a), as amended by 2018 PA 603.

The House of Representatives has concurred in the Senate substitute (S-3) to the House substitute (H-1) and agreed to the full title as amended.

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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:

House Bill No. 4637

The motion prevailed.

The following bill was read a third time:

House Bill No. 4637, entitled

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” (MCL 41.1a to 41.110c) by adding section 2a.

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. 390

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: Nesbitt

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4066, entitled

A bill to prohibit political subdivisions in this state from imposing certain restrictions on the transportation, possession, carrying, storage, sale, transfer, purchase, gift, devise, licensing, registration, manufacturing, or use of knives or components of knives.

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. 391

Yeas—25

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

Nays—11

Bayer	Hertel	McMorrow	Santana
Brinks	Irwin	Moss	Wojno
Chang	McCann	Polehanki	

Excused—0

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Daley as Chairperson.

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

Senate Bill No. 686, entitled

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

Senate Bill No. 674, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by repealing section 10 (MCL 207.1010).

Senate Bill No. 683, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 3 and 5 (MCL 712A.3 and 712A.5), section 3 as amended by 2019 PA 109 and section 5 as amended by 1996 PA 409.

Senate Bill No. 569, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14, 45, 55, and 58 (MCL 400.14, 400.45, 400.55, and 400.58), section 14 as amended by 1987 PA 266, section 45 as amended by 1995 PA 223, section 55 as amended by 2015 PA 90, and section 58 as amended by 2006 PA 200.

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

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

Senate Bill No. 637, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding sections 207e and 207f.

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. 638, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding sections 207c and 207d.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 85

The motion prevailed.

Senate Resolution No. 85.

A resolution to urge the United States Congress to oppose unnecessary and harmful changes to Internal Revenue Service reporting requirements for Michigan's financial institutions.

(This resolution was offered on Thursday, October 7, rules suspended and consideration postponed. See Senate Journal No. 78, p. 1693.)

The question being on the adoption of the resolution,

The resolution was adopted.

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

The motion prevailed.

Senator Daley's statement is as follows:

I rise to speak on Senate Resolution No. 85, a resolution urging our members of Congress to reject the Biden administration's proposal that banks must report to the IRS all transactions that are worth more than \$600.

These proposed requirements are a disturbing invasion of personal privacy and our federal government. I don't believe our federal representatives should allow people's privacy to be put in danger so that the government can collect more tax dollars to pay for their massive spending programs. I've heard from people throughout my district, and even the state, about how they are genuinely concerned for what these rules mean for their personal privacy. This would also put more stress on our community banks and credit unions which are already struggling with unnecessary regulations from Washington. I urge support of this resolution.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Bullock 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 Bullock's statement is as follows:

First, I wanted to let the Senator from the 38th District know the forensic audit is in and we know Mike Ditka was not in this chamber because that orange sponge is still there.

Originally I just wanted to thank my colleagues for selecting me to represent the Michigan Senate at the Bowhay Institute for Legislative Leadership Development, also known as the BILLD Fellowship. As the newest member of this fraternity-like organization, I got to interact with Republicans and Democrats across the Great Midwest and Canada where partisanship was cast aside to talk about how to serve and lift our perspective states and communities as a whole and build symmetry where one can. To cross the aisle and develop relationships—we shared and learned truth, we have more similarities than we do differences.

So, the news of Colin Powell passing yesterday from complications from COVID-19 brought some things full circle for me. I reflected on the past year and a half, all the individuals I personally have lost and all the people challenged during the COVID plague. For me, Colin Powell was a giant—a man amongst men—a black male icon whom I saw representing the people honorably and nobly. I remember the day I found out the four-star general was Republican, and no one did a double take, no one questioned his value. He worked for the people, the nation, without all the partisan poli-tricks. He served Republican and Democratic presidents with the same integrity—he was hopeful—he gave me hope, and I felt the hope when I met the Secretary of State. I've felt that hope several times in this chamber although members here often put that hope to the test, but as we concluded the state's budget a few weeks ago, I felt that hope. I'm hopeful the supplemental budgets will happen with some reasonable and rational conversations.

Look, I get traditional partisan values, but most issues can be solved together, but then moments of partisan dysfunction surface and are entertained, such as forensic audit demands for an election which is almost a year old. False narratives of election integrity exasperating a notion that elections are only fair when your team wins and something unscrupulous must be afoot when your team loses, or the misrepresentation of critical race theory is one of those things. If you're tired of talking about race and explicit privilege, then imagine what I and the black and brown community have to deal with daily. I'm not standing here to go into any deep dive on any of these issues, however, I would rather we work together towards uplifting our disenfranchised communities with our collective power because these partisan-based theatrics are not helpful. That goes for both sides of the aisle, we are here to work on policy I believe, not politics.

I often hear individuals pontificate and proclaim to be fighting against tyranny and oppression here and abroad—then I need you to fight for the tyranny and racial oppression, racial disparities of care, and equitable treatment across the board here at home in Michigan. Let's be clear, equal is not equitable—and yes, we are elected in by our districts, but our votes effect almost 10 million citizens in this great state—keep that in mind and help keep me hopeful that we do good in this chamber. Michigan should be the leaders in the nation on civility, decency, democracy, and doing what's right. So help me keep that hopeful beacon burning.

A smart man left us with sage advice: "Avoid having your ego so close to your position that when your position falls, your ego goes with it." So it's okay to "Get mad, then get over it", because "It ain't as bad as you think", just know. "It will look better in the morning." At the end of the day, "Great leaders are always great simplifiers, who can cut through argument, debate and doubt, to offer a solution everyone can understand." Ultimately, "There is no end to the good you can do if you don't care who gets the credit." That smart, wise man was former Secretary of State, four-star general, and stellar statesman Colin Luther Powell. May he rest in peace and his diplomacy be a beacon for us all.

Senator Hollier's statement is as follows:

I also want to talk about former Secretary Powell. He was a seminal force in my life. Many of you know that as a little kid I really struggled to learn how to read—I had to go meet with a second instructor and do those kinds of things—but the first large book I ever read was *My American Journey*. It was his autobiography, and I learned about someone who had an atypical story, had a different experience.

He grew up at a time when the world was looking for a Black man to promote. No one in this world would ever say that Colin Powell wasn't worthy, that he wasn't qualified, that he wasn't capable, that he didn't do an amazing job at every job he had, but he would be the first person to admit that without affirmative action, there is no General Colin Powell, there is no Lieutenant Colonel Powell. He never had an opportunity, but he was a guy who worked hard and when he was in college, they said, I think you could be something, and he got an opportunity and consistently got opportunities and he showed up. It taught me from a very early space that I too was going to be in a situation like that. Growing up as a Black kid in Detroit, you didn't see those spaces. When people talked about their experiences with the military, the majority of the people I knew had bad experiences. They remembered Vietnam. They remembered these moments of racism and oppression and those kinds of things, and here I was reading about a guy who from his own advice was just a regular person who worked really, really hard and got really lucky and was standing next to people who saw greatness in him, and every time he got an opportunity he listened and followed through.

I just hope we think about that and we think about the spaces we make for people because everything he did was about making space. When people wanted him to run for President, or do other things, he said, No, I'm going to go do this mentorship thing, I'm going to go make space for other people. That's what I will always remember about him. As we think about people we lost and the legacies they leave, his legacy will be all the people that he brought up. I never met Secretary Powell. I never met him as a general, but I served under people who said, When I was a lieutenant, he came by and he told me, he put me in the right direction and he gave those spaces. These are people, Black, white, who gave me opportunities, who made space for me and so, in a small way, I kind of remember that. I get that feel for, Hey, he continued to impact my life because everything he did was about giving people opportunities. We have an incredible opportunity every day to make space for other people in all of our lives, and all the programming we do to get away from some of the political rhetoric because by and large, he was a Black Republican and he was a Black Republican in the 1980s. This was not when it was cool or when there was space, but he was working in the White House and the Pentagon and the administration said, Are you a Democrat or a Republican? He went back home and talked to his wife, and his wife and he talked about it and she was like, Well, what's going to keep you in the Pentagon? He said, Being a Republican. We're Republicans then, honey. And he stayed. He always found a way to talk about being a Black Republican in a way that made sense for him and a way that made sense for our community and always continued to create space that we've lost. That's one thing I will always remember from him, that I will always appreciate from him, and as we think about the next couple weeks, and the next year, and our legacies, I hope it's about creating space because yesterday we lost someone who made a lot of space, and we're going to need someone who can continue to do so.

I hope you will remember Secretary Powell in a similar way and that we will all take a little bit of space and burden to create space for other people because I'm standing here because he made space. I know many of us are in the same. Remember that these seats we have are temporary and we should be making space for other people.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 14:

House Bill Nos. 4270 5259 5267 5376

The Secretary announced that the following bills were printed and filed on Thursday, October 14, and are available on the Michigan Legislature website:

Senate Bill Nos. 687 688 689

House Bill Nos. 5394 5395 5396 5397 5398 5399 5400 5401 5402 5403 5404 5405 5406

Committee Reports

The Committee on Judiciary and Public Safety reported

Senate Bill No. 683, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 3 and 5 (MCL 712A.3 and 712A.5), section 3 as amended by 2019 PA 109 and section 5 as amended by 1996 PA 409.

With the recommendation that the bill pass.

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

Roger Victory
Chairperson

To Report Out:

Yeas: Senators Victory, VanderWall, Barrett, Chang and Irwin

Nays: Senator Runestad

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, October 14, 2021, at 8:30 a.m., Room 1100, Binsfeld Office Building

Present: Senators Victory (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

The Committee on Economic and Small Business Development reported

Senate Bill No. 562, entitled

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

With the recommendation that the bill pass.

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

Ken Horn

Chairperson

To Report Out:

Yeas: Senators Horn, VanderWall, Lauwers, LaSata, MacDonald, McMorow, Geiss and Moss

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic and Small Business Development submitted the following:

Meeting held on Thursday, October 14, 2021, at 12:00 noon, Room 1200, Binsfeld Office Building

Present: Senators Horn (C), VanderWall, Lauwers, LaSata, MacDonald, McMorow, Geiss and Moss

Excused: Senator Schmidt

The Committee on Health Policy and Human Services reported

Senate Bill No. 569, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14, 45, 55, and 58 (MCL 400.14, 400.45, 400.55, and 400.58), section 14 as amended by 1987 PA 266, section 45 as amended by 1995 PA 223, section 55 as amended by 2015 PA 90, and section 58 as amended by 2006 PA 200.

With the recommendation that the bill pass.

Curtis S. VanderWall

Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Human Services reported

Senate Bill No. 638, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding sections 207c and 207d.

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

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

Curtis S. VanderWall

Chairperson

To Report Out:

Yeas: Senators VanderWall, Bizon, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

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

The Committee on Health Policy and Human Services reported

Senate Bill No. 637, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding sections 207e and 207f.

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

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

Curtis S. VanderWall

Chairperson

To Report Out:

Yeas: Senators VanderWall, Johnson, LaSata, MacDonald, Theis, Brinks, Hertel, Santana and Wojno

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, October 14, 2021, at 1:00 p.m., Room 1100, Binsfeld Office Building

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

The Committee on Education and Career Readiness reported

Senate Bill No. 687, entitled

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

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

Lana Theis

Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad and Daley

Nays: Senators Polehanki and Geiss

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

The Committee on Education and Career Readiness reported

Senate Bill No. 688, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 697 (MCL 206.30 and 206.697), section 30 as amended by 2020 PA 65 and section 697 as added by 2011 PA 38, and by adding sections 279 and 679.

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

Lana Theis

Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad and Daley

Nays: Senators Polehanki and Geiss

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:
Meeting held on Tuesday, October 19, 2021, at 8:00 a.m., Room 1300, Binsfeld Office Building
Present: Senators Theis (C), Horn, Runestad, Daley, Polehanki and Geiss

COMMITTEE ATTENDANCE REPORT

The Committee on Advice and Consent submitted the following:
Meeting held on Thursday, October 14, 2021, at 12:00 noon, Room 1300, Binsfeld Office Building
Present: Senators Nesbitt (C), Bumstead, McBroom and Hertel

Scheduled Meetings

Appropriations – Wednesday, October 20, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Elections – Wednesday, October 20, 2:00 p.m., Room 1300, Binsfeld Office Building (517) 373-5323

Finance – Wednesday, October 20, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Health Policy and Human Services – Thursday, October 21, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Insurance and Banking – Wednesday, October 20, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-5314

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 11:14 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Wednesday, October 20, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

