

No. 37
STATE OF MICHIGAN
Journal of the Senate
101st Legislature
REGULAR SESSION OF 2022

Senate Chamber, Lansing, Thursday, April 21, 2022.

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

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

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

Senator Douglas C. Wozniak of the 8th District offered the following invocation:

Lord, as we begin work at our state's capital this morning, we ask You to fill us with a spirit of humility and hard work. We ask You for the grace to trust that Your will is the solution to the many problems of our world.

Help us to accomplish Your will in the legislation we consider and pass. Father, we know that we are not perfect, but we also know that Your power is made perfect in weakness. Make us attentive to the needs of our constituents, who look to us to be their voice and to do the job they elected us to do. Remove all pride from our hearts and grant us the resolve constantly to place ourselves at their service. Bless all that we say and do and increase our devotion to our brothers and sisters throughout our great state.

We ask this through Christ our Lord, Jesus Christ. 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 excused from today's session.

The motion prevailed.

Senator Chang moved that Senators Bullock and Moss be temporarily excused from today's session.

The motion prevailed.

Senator Chang moved that Senators Ananich, Irwin, Polehanki and Geiss be excused from today's session.

The motion prevailed.

The following communications were received:

Office of Senator Winnie Brinks

April 21, 2022

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 0473 which was introduced on May 25, 2021 by Senator Victory and was referred to the Senate Committee on Judiciary and Public Safety.

April 21, 2022

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 0475 which was introduced on May 25, 2021 by Senator Horn and was referred to the Senate Committee on Judiciary and Public Safety.

April 21, 2022

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 0478 which was introduced on May 25, 2021 by Senator Runestad and was referred to the Senate Committee on Judiciary and Public Safety.

April 21, 2022

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 0480 which was introduced on May 25, 2021 by Senator Johnson and was referred to the Senate Committee on Judiciary and Public Safety.

April 21, 2022

Per Senate Rule 1.110(c) I am requesting that my name be added as a co-sponsor to Senate Bill 0483 which was introduced on May 25, 2021 by Senator MacDonald and was referred to the Senate Committee on Judiciary and Public Safety.

Sincerely,
Senator Winnie Brinks
District 29

The communications were referred to the Secretary for record.

Senator Bullock entered the Senate Chamber.

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. 993
The motion prevailed.

Senator Moss entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 993, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 2 (MCL 12.252), as amended by 2021 PA 137, and by adding section 3.

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. 132

Yeas—33

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

Nays—0

Excused—5

Ananich	Irwin	McBroom	Polehanki
Geiss			

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. 994, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by amending the title, as amended by 2018 PA 638, and by adding chapter 8A.

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. 133

Yeas—33

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

Nays—0

Excused—5

Ananich	Irwin	McBroom	Polehanki
Geiss			

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. 995, entitled

A bill to prohibit the commencement of civil actions relating to opioids by certain governmental officers and entities.

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. 134

Yeas—33

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

Nays—0

Excused—5

Ananich	Irwin	McBroom	Polehanki
Geiss			

Not Voting—0

In The Chair: Nesbitt

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Nesbitt, designated Senator Brinks 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 with a substitute therefor, the following bill:

Senate Bill No. 788, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 3, 11, 12, 21, 24, 45, and 52 (MCL 169.203, 169.211, 169.212, 169.221, 169.224, 169.245, and 169.252), sections 3 and 11 as amended by 2017 PA 119, sections 12, 21, and 24 as amended by 2019 PA 93, section 45 as amended by 1996 PA 590, and section 52 as amended by 2015 PA 269, and by adding section 21b.

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 proceeded to the order of
Resolutions

Senators Bayer, Bullock, Geiss, Polehanki, Moss, Brinks, McMorro, Chang, Alexander and Hollier offered the following resolution:

Senate Resolution No. 129.

A resolution to memorialize the Congress of the United States to enact legislation to fully fund the Individuals with Disabilities Education Act.

Whereas, Children with disabilities deserve quality education to develop skills so they can fully participate in social, economic, and political life. Many of these children face significant barriers to education and are more likely to be out of school. Ensuring access to education is the best way to help children with disabilities realize their full potential; and

Whereas, Congress has established that equal access to education for students with disabilities is an essential element of our national policy by passing the Individuals with Disabilities Education Act (IDEA). In the Act, Congress states that disability is a natural part of the human experience, and the IDEA is meant to ensure equality of opportunity and economic self-sufficiency for all individuals with disabilities; and

Whereas, While the IDEA has resulted in increased access to education for millions of students, the Act remains dangerously underfunded. In the original 1975 legislation, Congress promised to cover 40 percent of the extra cost of special education services required by the Act. However, as of 2020, the federal government was covering only 14.6 percent of the cost, despite a 25 percent increase in the number of students served; and

Whereas, The IDEA Full Funding Act (S. 866) was introduced in 2019 to require that Congress fund the IDEA at the 40 percent level that was originally promised. Similar legislation needs to be introduced this session in order to ensure that the federal government is paying its fair share of the cost of special education services and to alleviate the financial burden on individual school districts; and

Whereas, Students and teachers suffer when Congress fails to live up to its funding commitment. School districts are forced to cover the costs with a scarcity of resources and must sometimes divert funds away from other programs that serve all students. In addition, schools have less funding for teacher salaries and classroom resources, making it more difficult to recruit and retain high-quality teachers; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to fully fund the Individuals with Disabilities Education Act so children with disabilities have equal access to educational opportunity; and be it further

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

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

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

The resolution was adopted.

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

The motion prevailed.

Senator Bayer's statement is as follows:

I rise to speak to my resolution to urge Congress to fully fund the Individuals with Disabilities Education Act, known as IDEA. It was first passed in 1975 and updated in 1997. IDEA is meant to ensure equality of opportunity and economic self-sufficiency for all individuals with disabilities. The IDEA really is an amazing idea and has increased access to education for millions of students, but the act remains dangerously underfunded. In the original legislation, Congress promised to cover 40 percent of the extra cost of special education services, and that's never happened. In fact, here we are seeing about 14 and a half percent of the cost being covered—not 40, 14. Passage of this would ensure the federal government paying their fair share of the cost of those special services. We've not been able to make up that extra cost ourselves in our School Aid Fund and so our districts—our districts—have to pay for that themselves, and they have to use their general operating funds which impacts all the students across the state.

Children with disabilities in Michigan deserve a quality education that develops their skills so they can fully participate and become taxpayers in our state. So I hope—I encourage you to join me today. Vote “yes” on this resolution to urge Congress to help our students across the entire state, to help our special education students, supporting fully funding at 40 percent the Individuals with Disabilities Education Act.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators McBroom, Bumstead, Daley, Outman, Nesbitt, Victory, Barrett, Lauwers, LaSata and Schmidt introduced **Senate Bill No. 1014, entitled**

A bill to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge and a utility tunnel connecting the Upper and Lower Peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting, and terminal facilities; extending the corporate existence of the authority; authorizing the authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of the bridge and authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of bonds and granting certain rights and remedies to the holders of bonds; authorizing banks and trust companies to perform certain acts in connection with the payment and security of bonds; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications, and location of the bridge; authorizing employment of engineers regardless of whether those engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state transportation department to operate and maintain the bridge or to contribute to the bridge and enter into leases and agreements in connection with the bridge; exempting bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; authorizing the creation of the Mackinac Straits corridor authority; authorizing the operation of a utility tunnel by the authority or the Mackinac Straits corridor authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 12 (MCL 254.322), as amended by 2004 PA 336.

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

Senators Bayer, Bullock, Geiss, Polehanki, Moss, McMorro, Brinks, Chang, Alexander and Hollier introduced **Senate Bill No. 1015, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 27c of chapter VIII (MCL 768.27c), as added by 2006 PA 79.

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

Senator Polehanki introduced

Senate Bill No. 1016, entitled

A bill to establish an electric vehicle charging equipment rebate program for residents of this state who purchase and install certain at-home charging equipment; to establish a process for the application and awarding of rebates; and to prescribe the powers and duties of certain state entities and officers.

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

Senator McCann introduced

Senate Bill No. 1017, entitled

A bill to establish an electric vehicle rebate program for residents of this state who purchase a new electric vehicle; to establish a process for the application and awarding of rebates; and to prescribe the powers and duties of certain state entities and officers.

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

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

The motion prevailed.

Senator Chang’s statement is as follows:

Today I just have a special recognition. In the Gallery we have Taylor Alpert who interned in my district office since last fall, so she’s been on Team Chang for a long, long time through this pandemic helping our residents in Senate District 1 and working on the doors, doing legislative doors, helping our residents with unemployment cases, and just so much more, helping with events. She is graduating soon with MSW and MPAs from Wayne State University. Taylor, we’re just so grateful for all of your hard work over the past nine months. Thank you.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:24 a.m.

10:42 a.m.

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

Statements

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

The motion prevailed.

Senator Runestad’s statement is as follows:

I thought I would do a little update on a few of the concerns I had about the reporting in Grand Rapids along with a mea culpa—an apology. First, I was concerned when I saw a headline yesterday that indicated I defended the shooting in Grand Rapids. Nothing could be further from the truth. I have no idea if that was an out-and-out murder. I have no idea at the point the body camera broke and you can no longer see anything very close if Mr. Lyoya tossed away the taser. All of this will simply have to come out in an investigation.

My concerns all have to do with accuracy of reporting. I also have concerns that it's being reported that the autopsy of Mr. Lyoya indicated there is no physical injuries other than the gunshot, therefore there was no struggle. That does not follow. There was an obvious struggle, you can see that on the film. My interest is just in the accuracy of reporting. All that being said, on Tuesday I read comments from a reporter that was his interpretation of an interpretation I had a problem with. Our pastor has pounded into us the importance of taking your concerns to the person in the political scuffling of partisanship, you cannot always do that.

In the case of a reporter, you certainly can do that. I regret that I did not first contact that *Detroit Free Press* reporter before raising concerns I had with the story here on the floor of the Senate. I also had many conversations with reporters in the last couple of days. These are reporters I have a great deal of respect for. The question they posed to me was, Senator, what you described on the floor, does that sound like me? I had to answer, No, I know you, I know the kind of reporting you do, you always work at and print the truth the best you can. And they said, Yes, but what frustrates us is that you threw us all in one camp. And that is absolutely a legitimate criticism.

Our parents taught us—all of us—to say what you mean and mean what you say; be very, very accurate in your words. I had written an introduction to my comments for Tuesday's speech that were along the lines of, Most reporters that I have known and dealt with try to do their best at reporting the truth and the facts. In my experience of seven and a half years in office, with dozens of stories annually where I was quoted, perhaps six or seven times in all that time a reporter got it wrong. In those cases, I contacted those reporters and half of them I spoke to agreed and were appreciative of the correction. The other half didn't return my call, but that is a very impressive record of getting it right in seven and a half years, at least as it relates to me.

I regret that I removed the introduction clarifying this about most reporters to squeeze my speech into five minutes. So to all the reporters who work at their best at being objective and getting to the truth, I apologize for lumping you in with reporters who don't always share that same professionalism.

Announcements of Printing and Enrollment

The Secretary announced that the following bill and resolution were printed and filed on Wednesday, April 20, and are available on the Michigan Legislature website:

Senate Bill No. 1013

Senate Resolution No. 128

Committee Reports

The Committee on Finance reported

Senate Bill No. 807, entitled

A bill to amend 2014 PA 92, entitled "State essential services assessment act," (MCL 211.1051 to 211.1061) by adding section 7a.

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.

Jim Runestad

Chairperson

To Report Out:

Yeas: Senators Runestad, Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

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 Finance submitted the following:

Meeting held on Wednesday, April 20, 2022, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Runestad (C), Nesbitt, Daley, Bumstead, VanderWall, Chang and Alexander

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Corrections and Judiciary submitted the following:
Meeting held on Wednesday, April 20, 2022, at 11:30 a.m., Room 1300, Binsfeld Office Building
Present: Senators Bizon (C), Runestad and Hollier

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Community Health/Human Services submitted the following:
Meeting held on Wednesday, April 20, 2022, at 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Outman (C), Bizon, Daley, Huizenga, LaSata, MacDonald, Schmidt, Santana, Brinks and Hollier
Excused: Senator Irwin

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Labor and Economic Opportunity/MEDC submitted the following:
Meeting held on Wednesday, April 20, 2022, at 3:00 p.m., Room 1200, Binsfeld Office Building
Present: Senators Horn (C), Schmidt, Huizenga and Hertel

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on General Government submitted the following:
Meeting held on Wednesday, April 20, 2022, at 3:15 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Victory (C), Bumstead, MacDonald, Huizenga and McCann
Excused: Senator Irwin

Scheduled Meetings

Appropriations – Tuesday, April 26, Wednesday, April 27, and Thursday, April 28, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Senator Lauwers moved that the Senate adjourn.
The motion prevailed, the time being 10:48 a.m.

The President pro tempore, Senator Nesbitt, declared the Senate adjourned until Tuesday, April 26, 2022, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate

