

No. 21
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Wednesday, March 1, 2023.

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.

Albert—present
Anthony—present
Bayer—present
Bellino—present
Brinks—present
Bumstead—present
Camilleri—present
Cavanagh—present
Chang—present
Cherry—present
Daley—present
Damoose—present
Geiss—present

Hauck—present
Hertel—present
Hoitenga—present
Huizenga—present
Irwin—present
Johnson—present
Klinefelt—present
Lauwers—present
Lindsey—present
McBroom—present
McCann—present
McDonald Rivet—present
McMorrow—present

Moss—present
Nesbitt—present
Outman—present
Polehanki—present
Runestad—present
Santana—present
Shink—present
Singh—present
Theis—present
Victory—present
Webber—present
Wojno—present

Senator Jim Runestad of the 23rd District offered the following invocation:

Let us pray for ourselves as we work together in this historic chamber to serve our constituents. May we be blessed with the gift of wisdom and remember always that our first duty is to serve You, Lord. May Your will be done.

Let us pray for the people of this great state whom You created in Your own image. May they see Your reflection in one another and be blessed to know Your love. Let us pray for all who are vulnerable and suffer, for abused and neglected children, for the unborn, for the elderly in nursing care or hospice, and families and individuals struggling to make ends meet, for those who battle with mental health issues, for victims of drug and human trafficking, for the sick, and the victims of violence.

We pray especially for the families and friends of the three MSU students who were killed, for the five students still recovering from their injuries, and for the entire Spartan community as it grieves and heals together. May all who encounter sorrow be restored by Your promise, by Your passion, and resurrection. He came so that they may have life and have it more abundantly.

Lord, hear our prayer. Amen.

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

Motions and Communications

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

Senator Singh moved that Senator Brinks be temporarily excused from today's session.
The motion prevailed.

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

Senators Santana, Wojno and Bellino introduced

Senate Bill No. 94, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 31 (MCL 205.731), as amended by 2008 PA 125.

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

Senators Bumstead, Bellino, Outman, Daley, Johnson, Wojno and Huizenga introduced

Senate Bill No. 95, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520, 522, and 524 (MCL 206.520, 206.522, and 206.524), sections 520 and 522 as amended by 2015 PA 179 and section 524 as amended by 1987 PA 254, and by adding section 521.

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

Senators Bumstead, Bellino, Outman, Daley, Johnson, Wojno and Huizenga introduced

Senate Bill No. 96, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7b (MCL 211.7b), as amended by 2013 PA 161.

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

Senator Bellino introduced

Senate Bill No. 97, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4o (MCL 205.94o), as amended by 2015 PA 204.

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

Senator Victory introduced

Senate Bill No. 98, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4t (MCL 205.54t), as amended by 2015 PA 205.

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

Senators Bellino, Daley, Victory, Webber, McMorrow, Bayer, Santana and Cherry introduced

Senate Bill No. 99, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1290.

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

Senators Geiss, Cherry, Camilleri, Singh, Santana, Hertel, Shink, Polehanki and Chang introduced

Senate Bill No. 100, entitled

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” (MCL 462.101 to 462.451) by adding section 352.

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

Senator Anthony introduced

Senate Bill No. 101, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 5228, 5230, and 5245 (MCL 500.5228, 500.5230, and 500.5245), as amended by 2020 PA 266.

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

Senator Brinks entered the Senate Chamber.

Senator Huizenga introduced

Senate Bill No. 102, entitled

A bill to amend 1979 PA 72, entitled “An act to require the governor to report certain tax information with the annual budget message to the legislature,” by amending section 6 (MCL 21.276), as amended by 1983 PA 7.

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

Senators Cherry, Daley and McCann introduced

Senate Bill No. 103, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 48714a and 48714b.

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

Senators Daley, Cherry and McCann introduced

Senate Bill No. 104, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 43528c and 43528d.

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

Senators McCann, Daley and Cherry introduced

Senate Bill No. 105, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40113a (MCL 324.40113a), as amended by 2016 PA 382.

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

Senators Daley, Albert, Webber, Victory, Lauwers, Outman, Bellino, Runestad, Theis and Lindsey introduced **Senate Bill No. 106, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 90h and 213a (MCL 750.90h and 750.213a), section 90h as added by 2011 PA 168 and section 213a as added by 2016 PA 149.

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

Senators Daley, Albert, Webber, Victory, Lauwers, Outman, Bellino, Runestad, Theis and Lindsey introduced **Senate Bill No. 107, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16d and 16l of chapter XVII (MCL 777.16d and 777.16l), section 16d as amended by 2016 PA 88 and section 16l as amended by 2016 PA 150.

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

Senators Webber, Albert, Daley, Victory, Lauwers, Outman, Bellino, Runestad, Theis and Lindsey introduced **Senate Bill No. 108, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 14a.

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

Senators Webber, Albert, Daley, Victory, Outman, Lauwers, Bellino, Runestad, Theis and Lindsey introduced **Senate Bill No. 109, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2010 PA 97.

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

Senators Johnson, Albert, Daley, Victory, Outman, Lauwers, Runestad, Theis and Lindsey introduced **Senate Bill No. 110, entitled**

A bill to amend 2002 PA 687, entitled “Born alive infant protection act,” by amending sections 1 and 3 (MCL 333.1071 and 333.1073).

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

Senators Lauwers, Albert, Daley, Victory, Outman, Bellino, Runestad, Theis and Lindsey introduced **Senate Bill No. 111, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13k of chapter XVII (MCL 777.13k), as amended by 2018 PA 587.

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

Senators Bellino, Albert, Webber, Daley, Victory, Lauwers, Outman, Runestad, Theis and Lindsey introduced **Senate Bill No. 112, entitled**

A bill to prohibit certain state and local governmental entities from requiring pregnancy resource centers to offer abortion services or provide a referral for abortion services; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senators Hoitenga, Albert, Daley, Victory, Lauwers, Outman, Bellino, Runestad, Theis and Lindsey introduced

Senate Bill No. 113, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 17773.

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

Senators Theis, Albert, Runestad, Outman, Bellino, Daley, McBroom, Damoose, Victory, Lauwers and Lindsey introduced

Senate Bill No. 114, entitled

A bill to amend 2013 PA 182, entitled “Abortion Insurance Opt-Out Act,” by amending section 10 (MCL 550.550).

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

Senators Lindsey, Albert, Webber, Daley, Victory, Outman, Lauwers, Bellino, Runestad and Theis introduced

Senate Bill No. 115, entitled

A bill to amend 1990 PA 211, entitled “The parental rights restoration act,” by amending section 7 (MCL 722.907).

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

Senators Theis, Albert, Webber, Daley, Victory, Lindsey, Lauwers, Bellino, Runestad and Outman introduced

Senate Bill No. 116, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2017 PA 259.

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

Senators Albert, Webber, Daley, Victory, Outman, Lauwers, Bellino, Runestad and Theis introduced

Senate Bill No. 117, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2023; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Senators Outman, Webber, Daley, Victory, Lauwers, Bellino, Runestad, Theis and Albert introduced

Senate Bill No. 118, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 201 and 236 (MCL 388.1801 and 388.1836), section 201 as amended by 2022 PA 144 and section 236 as amended by 2022 PA 212, and by adding sections 226f and 275k.

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

Senators Irwin, Geiss, McMorrow, McDonald Rivet, Singh, Bayer, Anthony, Wojno, Polehanki, Chang, Cavanagh, Shink, Hertel, Santana and Bellino introduced

Senate Bill No. 119, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 1 and 1b of chapter IX (MCL 769.1 and 769.1b), section 1 as amended by 1999 PA 87 and section 1b as amended by 1998 PA 520; and to repeal acts and parts of acts.

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

Senators Shink, Geiss, McMorrow, McDonald Rivet, Singh, Bayer, Anthony, Chang, Cavanagh, Irwin, Polehanki, Hertel, Santana and Bellino introduced

Senate Bill No. 120, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 34 (MCL 791.234), as amended by 2019 PA 14.

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

Senators Cavanagh, Geiss, McMorrow, McDonald Rivet, Singh, Bayer, Anthony, Wojno, Chang, Shink, Irwin, Polehanki, Hertel, Santana and Bellino introduced

Senate Bill No. 121, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 18 of chapter XIII (MCL 712A.18), as amended by 2022 PA 209.

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

Senators Geiss, McMorrow, McDonald Rivet, Singh, Bayer, Anthony, Wojno, Chang, Cavanagh, Shink, Irwin, Polehanki, Hertel, Santana and Bellino introduced

Senate Bill No. 122, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17764 (MCL 333.17764), as amended by 2004 PA 214.

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

Senators Santana, Geiss, McMorrow, McDonald Rivet, Singh, Bayer, Anthony, Polehanki, Wojno, Chang, Cavanagh, Shink, Irwin, Hertel and Bellino introduced

Senate Bill No. 123, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 16, 18, 200i, 204, 207, 209, 210, 211a, 316, 436, and 543f (MCL 750.16, 750.18, 750.200i, 750.204, 750.207, 750.209, 750.210, 750.211a, 750.316, 750.436, and 750.543f), sections 16, 18, 200i, 204, 207, 209, 210, 211a, 436, and 543f as amended by 2014 PA 23 and section 316 as amended by 2022 PA 149, and by adding section 506b.

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

Senator Daley entered the Senate Chamber.

Senators Camilleri, Geiss, Cavanagh, Klinefelt, Bayer, McMorrow, Cherry, Chang and Polehanki introduced

Senate Bill No. 124, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 11j.

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

Senators Camilleri, Geiss, Cavanagh, Klinefelt, Bayer, McMorrow, Cherry, Polehanki and Chang introduced **Senate Bill No. 125, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; to investigate and study the tolling of roads, streets, highways, or bridges; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 11i.

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

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:12 a.m.

10:32 a.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 4, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 301, 302, 302a, 402, 501, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2301, 37.2302, 37.2302a, 37.2402, 37.2501, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, sections 103 and 301 as amended by 1999 PA 202, section 202 as amended by 2009 PA 190, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

The question being on the passage of the bill,

Senator Runestad offered the following amendments:

1. Amend page 2, line 4, after “religion,” by inserting “**religious orientation, religious identity or expression,**”.

2. Amend page 2, line 15, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

3. Amend page 4, following line 22, by inserting:

“(k) **“Religious orientation” means having an orientation for a faith or religious perspective or having a history of such an orientation or being identified with such an orientation.**

(l) **“Religious identity or expression” means having or being perceived as having a religious-related self-identity or expression whether or not associated with an individual’s membership at a church, mosque, synagogue, or other place of worship.**” and relettering the remaining subdivision.

4. Amend page 5, line 2, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

5. Amend page 5, line 9, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

6. Amend page 6, line 2, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

7. Amend page 6, line 6, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

8. Amend page 6, line 13, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

9. Amend page 6, line 23, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

10. Amend page 6, line 29, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

11. Amend page 7, line 6, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

12. Amend page 7, line 19, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

13. Amend page 7, line 27, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

14. Amend page 8, line 5, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

15. Amend page 8, line 10, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

16. Amend page 8, line 14, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

17. Amend page 8, line 24, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

18. Amend page 9, line 29, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

19. Amend page 10, line 7, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

20. Amend page 10, line 11, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

21. Amend page 10, line 22, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

22. Amend page 11, line 13, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

23. Amend page 11, line 19, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

24. Amend page 11, line 23, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

25. Amend page 12, line 2, by inserting “**religious orientation, religious identity or expression.**”

26. Amend page 12, line 7, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

27. Amend page 13, line 6, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

28. Amend page 14, line 17, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

29. Amend page 14, line 27, after “religion,” by inserting “**religious orientation, religious identity or expression.**”

30. Amend page 15, line 6, after “religion,” by inserting “**religious orientation, religious identity or expression**.”

31. Amend page 15, line 12, after “religion,” by inserting “**religious orientation, religious identity or expression**.”

32. Amend page 15, line 27, after “religion,” by inserting “**religious orientation, religious identity or expression**.”

33. Amend page 16, line 12, after “religion,” by inserting “**religious orientation, religious identity or expression**.”

The question being on the adoption of the amendments,

Senator Lauwers 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. 29

Yeas—17

Albert	Hauck	Lindsey	Runestad
Bellino	Huizenga	McBroom	Theis
Bumstead	Johnson	Nesbitt	Victory
Daley	Lauwers	Outman	Webber
Damoose			

Nays—21

Anthony	Cherry	Klinefelt	Polehanki
Bayer	Geiss	McCann	Santana
Brinks	Hertel	McDonald Rivet	Shink
Camilleri	Hoitenga	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno
Chang			

Excused—0

Not Voting—0

In The Chair: President

Protest

Senator Moss, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Runestad to Senate Bill No. 4 and moved that the statement he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator Moss’ statement is as follows:

I want to thank the Senator from White Lake for offering this amendment so I can give this detailed “no” vote explanation now and not have to utilize any time discussing this issue in my upcoming remarks in favor of the bill. This amendment is ill-informed of religious text, ill-informed of how the Elliott-Larsen Act works—specifically in this state—and ill-informed of how government works generally in this country.

First, I want to say I wholly reject that this bill promotes, quote, as was mentioned, hostility to people of faith or that it pits religious people against LGBTQ people. I am a gay person with sincerely-held religious beliefs. There is no conflict between my sexual orientation and my religion. I’m saddened that there is in

your religion, but you have that right in this country to practice that. All of us with sincerely-held religious beliefs have long been protected within our respective religious institutions and Elliott-Larsen does not disrupt that.

Religion itself is a protected class in Elliott-Larsen but the act cannot compel clergy at a church or mosque to marry a Jewish couple. Marital status is a protected class in Elliott-Larsen but the act cannot compel a Catholic priest to marry someone who has been previously divorced. Adding sexual orientation and gender identity to the act will not compel a church to marry an LGBTQ couple and in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, the Supreme Court gave religious institutions wide latitude in hiring and firing employees who perform religious duties—a church can fire a minister who teachers outside the religious text. But adherents of a religion are required to follow neutral, generally-applicable laws. The Supreme Court recognized this principle 150 years ago. To allow otherwise would, “make the professed doctrines of a religious belief superior to the law of the land, and, in effect, permit every citizen to become a law unto himself. Government could exist only in name under such circumstances.”

The Court also noted that decisions after the Masterpiece Cakeshop case that future decisions must be made with tolerance and, “without subjecting gay persons to indignities when they seek goods and services in an open market.” This amendment, however, allows anyone to deny any good or service available in an open market to any person, to fire them or evict them, as long as their religious orientation or identity is the reason. Last year, you might recall, I spent a week reading an excerpt of 350 recently compiled claims of religious discrimination against LGBTQ people in Michigan. Some of them so egregious, I hope everyone in this room thinks that Senate Bill No. 4 should stop them, including the gay guy who was kicked out of a Coney because the owner didn’t want faggots in his restaurant. This amendment gives that restaurant owner the religious freedom to do it all over again if he’s living out his faith as the previous speaker mentioned. Maybe the amendment sponsor wants that, but if you go down that route with this amendment, you’re going to find a lot more issues than just with LGBTQ people.

Sex is a protected class in Elliott-Larsen, but the book of Numbers says women cannot be counted in a census; it says their husbands and fathers can overturn any vow or oath they take. Are you prepared to provide that religious exemption in this amendment to exclude women from full utilization of services in the state of Michigan? Weight is a protected class in Elliott-Larsen, but Leviticus kosher laws are clear about certain kinds of fats and animals that cannot be consumed. Imagine if I went after pork eaters the way you go after gay people. It’s a choice; it’s a lifestyle. Some of you look like pork eaters. This amendment provides me with the religious exemption to hire and fire and evict based on how I perceive your weight. You can take any protected class in this act and find a religious text not just from the Old Testament for someone to use even out of context to discriminate against others.

Clearly some of you still want to use one verse in Leviticus to discriminate against LGBTQ people. But if you were truly sincere, a true sincere adherent to Leviticus, and you let it define how you treat other people, let it instead be the verse that Rabbi Akiva, the ancient Jewish scholar and chief of the sages said was the greatest principle of the Torah—*לרעהבך כמוך*—love thy neighbor as thyself, that it is forbidden to do others what you would not want done to yourself. Treat others how you would want to be treated. I studied the Torah in Hebrew school; you’re not going to challenge me on the Old Testament. Just the fact that some of you can forget that simple principle, that’s what some might call sacrilegious. I urge a “no” vote.

Senator Johnson offered the following amendment:

1. Amend page 3, following line 3, by inserting:

“Sec. 102a. This act does not apply to any claim of discrimination subject to the ministerial exception described in *Our Lady of Guadalupe Sch. v Morrissey-Berru*, 140 S Ct 2049 (2020), and *Hosanna-Tabor Evangelical Lutheran Church & Sch v EEOC*, 565 U.S. 171 (2012).”

The question being on the adoption of the amendment,

Senator Lauwers 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. 30

Yeas—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Nays—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Excused—0

Not Voting—0

In The Chair: President

Senator Runestad offered the following amendment:

1. Amend page 3, following line 3, by inserting:

“(4) This act must not be construed to diminish or abrogate a religious liberty or conscience protection otherwise available to an individual or organization under the Constitution of the United States, federal law, or the state constitution of 1963 or other law of this state.

(5) Consistent with the First Amendment to the Constitution of the United States and the state constitution of 1963, nonprofit religious organizations, including churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, religious educational institutions, and nonprofit entities, whose principal purpose is the study, practice, or advancement of religion, and any employee of such an organization, are not required by this act to provide services, accommodations, advantages, facilities, goods, or privileges for the solemnization or celebration of a marriage. Any refusal under this subsection to provide such services, accommodations, advantages, facilities, goods, or privileges does not create any civil claim or cause of action.”.

The question being on the adoption of the amendment,

Senator Lauwers 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. 31

Yeas—18

Albert	Hauck	Lindsey	Runestad
Bellino	Hoitenga	McBroom	Theis
Bumstead	Huizenga	Nesbitt	Victory
Daley	Johnson	Outman	Webber
Damoose	Lauwers		

Nays—20

Anthony	Chang	Klinefelt	Polehanki
Bayer	Cherry	McCann	Santana
Brinks	Geiss	McDonald Rivet	Shink
Camilleri	Hertel	McMorrow	Singh
Cavanagh	Irwin	Moss	Wojno

Excused—0

Not Voting—0

In The Chair: President

Protests

Senators Moss, Geiss, Polehanki, McMorrow, Klinefelt, Irwin, Cherry, Bayer, Shink, Chang, McCann, Cavanagh, Camilleri, Hertel, Brinks, Santana, McDonald Rivet, Singh, Anthony and Wojno, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Runestad to Senate Bill No. 4.

Senator Moss moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Moss’ statement, in which Senators Geiss, Polehanki, McMorrow, Klinefelt, Irwin, Cherry, Bayer, Shink, Chang, McCann, Cavanagh, Camilleri, Hertel, Brinks, Santana, McDonald Rivet, Singh, Anthony and Wojno concurred, is as follows:

If the Senator keeps opening the door, I’m going to keep walking through it—and this is my “no” vote explanation. As mentioned, this amendment deals with, among other items, protections to marriage. As previously stated, this amendment is unnecessary because government cannot intervene with religious ceremony, including marriage, but I do want to thank the Senator for bringing up this amendment on marriage because it allows me to talk briefly about the absolutely shameful way this state in the past has allowed religion to discriminate against LGBTQ people outside the walls of a religious institution.

In 2004, Michigan approved the harshest marriage ban in the country—not even civil unions were allowed. During this period of time, however, rabbis and other clergy recognized, sanctioned, and even would perform same-sex marriages according to their sincerely-held religious beliefs. But your religion wouldn’t allow them so therefore yours prevailed to discriminate against religious people like me. Gay people couldn’t even get married in a secular ceremony inside a city hall performed by a clerk because your religion wouldn’t allow it. So when you use religion only to discriminate against LGBTQ people but never to uplift LGBTQ people, I have no interest in putting this language in the Civil Rights Act. The current interpretation of law is sufficient. I request a “no” vote.

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

The question being on the passage of the bill,

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

Roll Call No. 32

Yeas—23

Anthony	Chang	Klinefelt	Santana
Bayer	Cherry	McCann	Shink
Bellino	Geiss	McDonald Rivet	Singh
Brinks	Hertel	McMorrow	Webber
Camilleri	Irwin	Moss	Wojno
Cavanagh	Johnson	Polehanki	

Nays—15

Albert	Hauck	Lindsey	Runestad
Bumstead	Hoitenga	McBroom	Theis
Daley	Huizenga	Nesbitt	Victory
Damoose	Lauwers	Outman	

Excused—0

Not Voting—0

In The Chair: Moss

The Senate agreed to the title of the bill.

Protests

Senators Albert, Daley and McBroom, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 4.

Senators Albert and McBroom moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Albert’s statement, in which Senator Daley concurred, is as follows:

We should all strive to treat everyone with kindness, dignity, and respect; including those different from ourselves. That is certainly the kind of world I want my kids to grow up in. One that is tolerant to everyone. At the same time, peoples’ individual religious beliefs should always be protected, including when they are different from our own or popular culture. Sometimes these two priorities conflict, that is why we must tread cautiously on changes to the Elliott-Larsen Act. In this day and age of cancel culture even talking about this issue can lead to some to cast aspersions. I want to be clear, I only have love in my heart to those who are same-sex attracted or struggling with their gender identity.

The unavoidable divide here is that implementing this bill before us would inherently infringe on the free exercise of religion. It could create a situation where religious organizations, nonprofits, or even individuals might be taken to court or potentially held liable for simply exercising their religious beliefs. It could create situations where religious organizations would be forced to hire job applicants who might have individual beliefs contrary to their organizations faith. Would a Catholic school be required to hire teachers who display or promote views starkly different from the church? What are the practical implications for bathroom or locker room facilities at our schools, or other public venues? How would an individual business owner with deeply-held religious beliefs be required to respond when hiring or asked to provide services that violate their conscience? I cannot support changes to a law that would create a super right to any group, when a proposed change in itself would discriminate against another’s religious beliefs. At that point we are simply trading one form of discrimination for another and that accomplishes nothing.

The change proposed to Elliott-Larsen today goes too far because it seeks to protect one group of people at the expense of others. This is an attempt by state government to force a particular belief system upon everyone, whether or not it discriminates against another’s individual own beliefs. If you look at what laws are being passed in other western countries, it’s easy to see what could happen here next in the United States. This proposal would be part of a dangerous and slippery slope. Would religious beliefs about men and women and gender differences eventually be classified and treated as illegal hate speech? Would anyone who dares question whatever is considered mainstream at the moment be punished with the full force of state law? As a state we can and must do better.

Senator McBroom’s statement is as follows:

The issue before us today is often simplified to being a conflict between civil rights and prejudice; liberty versus oppression; old ignorance versus new enlightenment; love versus hate. While I could diminish these arguments by simple rhetorical dismissal and strawman quips, they deserve a fairer consideration. Too often, and for far too long, the issues that force the debate have been carelessly and callously ignored by those in power because they saw little need for thoughtful and logical debate. They didn’t see the need in order to win the day. While they weren’t always clear about why they had been taught a particular belief nor why society long held these certain mores, they knew they could easily win the day for those beliefs and mores by simply casting aspersions and by name-calling. This intellectual laziness is, to some degree, responsible for our present circumstance.

Competing for that responsibility is the teachers of those foundations; primarily, the church. Churches have lapsed into the same lazy practices by practicing castigation and strident condemnation, oftentimes with vigor and hatred that impressed their flocks but failed to demonstrate compassion and love, the love and compassion of our founder, Jesus, that He showed to lost sinners. Certainly, their zeal did nothing to win over lost souls that were questioning a world, it didn't do anything to win over a world that was watching to see if Christians truly separated themselves out as purveyors of love and mercy. For those centuries'-long fumbblings I can only express my sorrow and desire for forgiveness as Christians on earth are not perfect as Christ was, but are struggling to become like Him in every way, including able to share the truth, no matter how hard or unpopular, in love.

Truth is what must be brought to the fore in this debate. Not the post-modern idea of truth which is each person's truth. This is a faulty ideal of our time and contends different truth claims can be simultaneously correct and abided with no ultimate conflict. The idea is, You live your truth; I'll live mine. But as simple as that sounds, it is ultimately nonsense and cannot be long sustained. It is the prime foundation of today's thinking and is often labelled as self-actualization. The problem with self-actualization is other people. My expression of my heart's desires runs smack-dab into the expression and exercise of someone else's.

The ultimate conflict of such a situation is readily apparent and has demonstrated itself across the world in our modern times and throughout history, whether that conflict be with a dictator demanding acquiescence to his every whim and dictate, selfish or benevolent, in the minor or in the extreme; or to the menial disputing over who has the right-of-way at an intersection, the denial of absolute truth creates conflicts that lead to confusion, frustration, accidents, tyranny, and death.

Ethics and morality have been confused in this post-modern world. Morality, long seen as the sum of a culture's determinations of right and wrong behavior as demonstrated by laws and codes, written and unwritten, was always somewhat flexible. These moral practices may be as simple as the determination of crude and licentious behavior and function to hamper certain behaviors seen to be corruptive to society. Morals were naturally pushed and pulled as people tested their limits—the cut of clothes, the cut of hair, what words are offensive, what pictures are offensive, the style of dance, the displays of affection, treatment of children, the elderly, the poor, the prisoners, the disabled, and the elderly.

Ethics are the immutable codes of what is right and wrong. They are the source of morals. Whether articulated directly from God or some other source, they were considered transcendental and unchanging. Do not murder. Do not steal. Honor your father and mother. Do not commit adultery. Do not lie. These commands, not exclusively found in Judeo-Christian heritage and history, have underpinned ethics from pre-history. According to the Scriptures, it is because they are exemplar of God's nature and man is made in His image; therefore His immutable character is stamped on our hearts. And we see, throughout history, that societies that live by these values, anchored in a transcendental source, have come closer to obtaining liberty and happiness for their citizens.

Government has long served as the institutional enforcer of ethics. In our country, this law-making process is subject to the inputs of the people themselves, in a grand experiment of self-government. This can lead to confusion that ethics are simply values and truth of half the people plus one. But our nation's founders knew this wasn't true. They specifically contended that the Constitution and style of government were for a moral people, and that the source for morality was the Scriptures and the God of the Scriptures. This is part of why the early shortcomings and failures of our nation and its founders are presently under such unrelenting attack so as to undermine and make illegitimate all their efforts and beliefs. This deconstruction is a critical factor in what's presently before us.

It's readily apparent that the choices a government makes regarding its ethical underpinnings has a dramatic impact on the direction of the nation and its morals. When this nation chose to move beyond reluctantly tolerating slavery, Jefferson at that time saying it was as if we had a "wolf by the ear," to moving to the promoting of slavery as Calhoun came before the Congress and declared slavery to be a moral good, it forced citizens to recognize the untenable nature of their stated ethics versus the statutorily adopted ones. There was no longer a mushy middle ground for those who did not want to confront the obvious dissonance between their stated ethics and the applied ethics of their nation.

The obvious truth is that simply declaring something to be right doesn't make it right. Further, in declaring something to be ethical, in stark contrast to the realities of the transcendent values promoted, the overall morals and practices of a nation descend into far more vigorous and, sometimes, heinous manifestations. Whether one explores the evolution of American slavery, particularly after Calhoun's pronouncement, or Hitler's exponential growth of persecution and destruction of the Jews, or our nation's present descent into the ever-more-perverse glorification of the slaughter of the unborn, once the government ceases to hinder acts or views, if their immediate growth thereafter does not stun and cause repudiation, soon the government will condone and even protect those views and actions even as they delve into what was previously unthinkable and undesired.

That brings me to the specifics of this current bill. Why am I, and others, drawing a hard line on the issue? Certainly, our present time would like to argue that these issues are simply bringing enlightenment and freedom where there has been ignorance and oppression. And the advocates are able to demonstrate that affected individuals have been treated with unkindness and hatred. However, it doesn't alter the truth that the law represents a direct support of behaviors that have long been held to be immoral, unethical, and deleterious to society.

While many in society today who should be teaching us have lost their connectivity to Scripture and seek to show Scriptures saying what is culturally popular, the Scriptures are clear that such behaviors and actions are not in the image of God and are not of the natural order of the world. The Scriptures tell us that truth is revealed to us in two ways: nature and the word of God. I will seek to emphasize the former because believers ought to recognize the illogic of expecting non-believers to respect the word of God. However, for those who know that the Scriptures are the word of God, I beg you take particular note as how you hear nature and Scripture are in accord.

Male and female are the only two forms of human life. They are the natural order of things and are the very essence of humanity. This structure has been recognized time immemorial. Further, by practice and law, all forms of human government have long recognized the inherent value to individuals, children, parents, families, and society to promote stable families made up of parents and their children. To pretend that other viewpoints were even entertained with any seriousness by science, education, religion, or state until very recently is laughable. One need only check an encyclopedia or dictionary that's more than five years old or look at the nature of laws and the very text of elementary biology textbooks to know the very definitions of man and woman. Likewise, look to the teachings of secular psychologists like Dr. Spock, who led multiple generations of parents and schools to assert that certain behaviors of a child did not portend their sexuality was anything other than what their chromosomes and phenotypical characteristics denoted.

The legislation before us seeks to continue our nation's trajectory toward untying ourselves from these long-established ethics and morals. When many began this effort years and years ago, the pledge was to simply be allowed to live free from moral condemnation and ignominy. For many whose ethics and morals were stridently opposed, although the reasons were poorly thought out or understood, allowing such seemed of very little consequence. It was in a city far away; it wasn't nearby. It wouldn't affect their own work place, their own church, their own business or home. And the penalties prescribed by law at that time added to the impetus, especially when there were friends or relatives involved. Nobody wanted to tolerate prison or exclusion for people making a private choice. That hardly seemed American. So, these issues marched on to the next barriers—forcing entry into societies' art forms and mediums, then pursuing marital privileges, then marriage itself. Now we face the next barrier: forced acceptance into the domains of church, public institutions, and private places of business.

There is a certain irony that is worthy of note here. Each of these steps were always couched in terms that there was no other agenda to go further, despite the misgivings and predictions of others. However, it's clear here as it was with the sexual revolution as a whole: it was always about reaching a society where all ethics and morality surrounding sexuality of the human race be reduced to nothing at all. That humans, being nothing but highly evolved animals, be permitted to behave with less inhibition than animals, seeking pleasure without bounds or compunction and with utter freedom from any consequence or cost.

Indeed, this is appropriately referred to as cultural Marxism because Marx was explicit in his support of removing the foundations of family and religion. He was also explicit in the power of the state to declare and determine what was right or what was wrong and that the source of all of man's evils is the oppression upon him. Maslow and others took this perspective by declaring the source of evil is culture itself and its institutions. So, despite all the insistence to the contrary, the agenda itself is clearly evident: tear down all institutions, culture, mores, and ethics that would keep us from maximizing and pursuing our hearts' desires. "Let us break their chains and throw off their shackles," as the psalmist said.

The final piece is the collective demonization of those who stand in opposition to the approved politics of our popular culture. Ultimate political hegemony is the end, not a sharing of power or a convincing by persuasion. Trueman wrote, "Society now intuitively associates sexual freedom with political freedom because the notion that, in a very deep sense, we are defined by our sexual desires is something that has penetrated all levels of our culture." This explains why everywhere around us we hear persons and institutions that defended free speech and parental rights now claim that certain speech is too dangerous or too offensive to be permitted and parental instruction must be superseded. Free speech is no longer seen as a personal expression of disagreement with another one's views but as a condemnation of that person themselves. Lutzer wrote, "This is how we got from 'I disagree with you' to 'I disagree with you and therefore you are evil.' The left says, 'My ideas can't be discussed independently from who I am; therefore, if you disagree with me, it is an attack against my personal identity. If you don't affirm my lifestyle, you are an oppressor who is causing me "psychological harm.'""

People and citizens are understandably compelled to consider this issue, not only due to the poor understanding and teaching I have already referenced, but because of the heritage of civil rights hypocrisy which this nation has struggled with for over 200 years. So, it's reasonable that people would be open to hearing that their viewpoints and morals are also wrong today regarding this issue as they know their predecessors were on race, on handicap rights, on equality for women. However, the nation's failings on equality of race and women's rights are not comparable to the issue before us. There is no natural argument for racial superiority. There is no manifestation in culture to show one race superior to another in the matters of virtue, depravity, talent, art, love, or culture. Likewise, there is no natural argument or manifestation to show women should not be treated with—granted—equal opportunity. Further, the word itself speaks that such divisions in society are not right or justified.

Even in this instance, I am not arguing that the persons this bill seeks to protect are incapable or unable to be equal contributors to our world. On the contrary, I eschew any and all of those who have attempted to keep them from their rights as human beings or from being treated with compassion. Christ calls on us to treat our neighbor as we would like to be treated, to love our neighbor as ourself. However, people's accomplishments and rights are not contingent upon their sexual preferences or identity. People need to be judged on the content of their character and the accomplishments of their work.

What have been the outworkings of this progression and modifying of long-standing ethics? Has it been the harmless, libertarian promise that we've been repeatedly given? It's blindingly obvious that it hasn't been. It has come with tremendous consequence and confusion. Even amongst those who advocated for some of the changes, they're now blowing the whistle on what's happening now, calling out the storybook hours where drag queens are reading to children or the drag shows where parents take their little kids. People in the community are calling that out and saying that should not be happening, that's wrong. Children are being mutilated and maimed for life. Children are invited to be sexual and experience sexualized activities. Parents are told their minor children's sexuality trumps their parental rights. Drugs are being administered to children and adults to cause changes not intended or properly researched when the drugs were approved. Athletics have been impossible to properly regulate or to compete in. Bathrooms no longer provide the sure privacy people rightfully expect. The vulnerable, particularly women and children, have been grievously harmed in numerous venues around the country. Marriage has become nothing special and families are no longer primarily bound to parentage as the ideal. Language itself has become unmoored from actual meanings of words and people choose circular reasoning to define what used to be well defined. Parents and child advocates are excoriated for speaking out against books and activists who promote morals and ethics contrary to their own. Property owners and employers are culturally cancelled for speaking their views.

Contrary to creating a freer society with more free speech and greater equality, the movement responsible for this bill in front of us is hampering freedom and free speech. Not only is free speech hindered by the cultural reactions of simply canceling and doxing those espousing viewpoints out of favor with the prevailing media and culture but more critically, the demand to utilize language contrary to all definitions and rationality is endangering people's employment. Words themselves are hijacked to have no meaning while having multiple meanings as, on one hand, we are assured that there is no difference between the sexes while, on the other hand, individuals are encouraged to identify as one sex or the other depending on their own, personal interpretation of what is the nature and essence of the sexes. In this way, equality is being stolen as women and men find their specific opportunities confounded by members of the sex laying claim to them. It is stolen by pretending that men and women are not different from each other at all in any way while also insisting that all distinctions are such that one can and must choose to be of a particular identity.

Whoah. You might be saying at this point, Senator, if you're so right, why is society moving so fast away from you? Aren't you on the wrong side of history? Didn't one popular president contend that the long arc of history moves towards justice? You're an old fossil. Get with the times. Such is the mystery of how mass confusion and popular culture can carry many away from truth and capture them by hollow and deceitful philosophies. But the one little boy who called out that the emperor was naked was right, despite being alone and young. Alexander Solzhenitsyn told the real story how, upon Stalin entering the hall, to thunderous applause, it went on and on and on, first three minutes, then five minutes, then ten minutes, more than ten minutes. Thunderous applause. No one would sit down. Finally, one man stopped clapping and sat down and immediately the rest of the body stopped. The next day, that man was sent to the gulag and told, Never be the first one to stop clapping.

At this point, many certainly would ask, How can simply providing employment and housing protections for this minority class cause all these problems? Additionally, Enough of the philosophy and the discussion of transcendent truths, I want to know why this is problematic in the practical implementation. Ultimately, my point is about the foundations of thought and understanding that led to this legislation and its alterations to the ethics and morals it creates. While many of those arguments have been made repeatedly here and in other discussions and for multiple years, they certainly bear momentary repeating. This legislation will create

impossible-to-resolve conflicts for churches, individuals, employers, and employees. A church whose janitor, for instance, who is both an attendee as well as a homosexual. The pastor and the others know about this, but they're OK with it. He understands that his employment means not representing his convictions in contradiction to the teachings of the church. However, upon passage of this bill, the church would struggle if he decided to suddenly start coming to work dressed as a woman and using the ladies' restroom. Can we stop clapping yet?

More dubious is the possibility that employment needs to be terminated for other reasons, but this employee contends the true reason is their sexual choices. Many of you who have been in office understand the necessity of at-will employment. This legislation puts at-will at risk of being unusable. Can we say the emperor has no clothes?

Finally, let us consider the situation of a prisoner in a prison where a new female officer is hired and the officer performs the searches of female prisoners until one day, it is revealed the officer is actually a man. Can the state dismiss this person? Can the female prisoner sue the state?

These are just a sample of very simple hypothetical scenarios where the incompatibility of what's proposed is demonstrated. There are further infringements upon rental owners with strong religious convictions, private schools, foster parents, and adoption.

Ultimately, as the decrease in sexual mores has revolutionized our culture and nation, there are costs to bear and we are paying them in spades. Teenage violence, substance abuse, suicide, and suicide ideation are all persistent and climbing. While advocates claim it's the oppression itself that causes this, that's simply non sequitur when considering that the openness and acceptance of such behaviors has never been higher and now is across media, schools, school officials, churches, teenage peers, and popular culture.

I am not blaming such behaviors for these outcomes. I am blaming the underlying lies about life and its meaning that underpin the movement. Many teens are smart enough to recognize the vanity and pointlessness that necessarily accompanies claims that, It's all about you, and, If it feels good, just do it. If we are just evolved animals we'll only live for the meaning we ourselves create. As Dr. William Provine taught, without God there is no free will, no ultimate meaning, and no source for ethics. It leaves a vacuum for the government to fill by edicts that change with the whims of power. That leaves people looking to themselves for meaning and ethics—a sure recipe for narcissism and conflict when one person's meaning collides with another. Psychiatrist Keith Ablow says of young people today, "They're doing anything to distract themselves from the fact that they feel empty inside and unworthy. Watch for an epidemic of depression and suicidality, not to mention homicidality, as the real self-loathing and hatred of others that lies beneath all this narcissism rises to the surface."

The choice before us today is not the simple one promoted by the supporters. It is not a simple civil rights matter regarding employment and housing security or a population of citizens that has suffered harsh castigation and discrimination. And the conflict is not as simple as just protecting the free exercise of religion and speech. We are instead looking at making our government advance its approval of an agenda that's contrary to the best interests of society, particularly to the foundations of family—parental rights and childhood innocence. We do so despite the evidence surrounding us from nature and the scriptures, and even our own common sense.

The costs of this legislation to the body politic is to continue to wall off a segment of society as too offensive, too obscene, and too dangerous to be granted standing in the public discourse. The dismissal of those who contend such moves as unwise, immoral, or dangerous by the collective demonization of them as bigots, Nazis, or other pejoratives is equally as dangerous to the discussion as was the very essence of fascism. It was unwise for churches and others to fail to understand these issues and explain their positions and rather just shut down and shout down arguments with dismissiveness and name calling in the past. Now the pendulum has swung to the other extreme. But I don't know that it will swing back this time. "If the foundations are destroyed, what can the righteous do?"

The evidence from history is that those who remain stalwart and uncompromising in their beliefs will suffer the consequences in their rights as citizens and parents, their jobs, tax benefits, their reputations, and, likely, in other ways. Already we see employment contingent upon agreeing to conform one's speech or to use specific language even if it becomes nonsensical; we see parents having their concerns dismissed, and parents who've lost their rights. Businesses and reputations are ruined by continual demonization; social media punishes and removes people for saying their opinions. We have already begun the creation of a political underclass, purely built on political and religious viewpoint.

We aren't in bad company. Shadrach, Meshach, and Abednego showed us the way a long time ago. When the king set up an image of gold of himself and demanded that everyone bow and worship whenever music played, they refused to do so, despite the positions of power and comfort that they had and risked losing. I will not bow, I will not dance, I will not worship this false idol. God can save me if He wants but, regardless, I will worship Him alone.

Senators Runestad, Theis, Johnson, Irwin, McMorrow, Shink, Chang, Klinefelt and Moss asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Runestad's first statement is as follows:

I rise today to support my amendment to Senate Bill No. 4. This amendment only seeks to add religious orientation, religious identity, and religious expression as additional protected classes. As we know, the Elliott-Larsen Civil Rights Act protects discrimination based on a number of current classifications, including religion and sex. Senate Bill No. 4 adds the classification of sexual orientation, gender identity, and gender expression to this list. My proposed amendment similarly seeks to protect individuals by prohibiting discrimination against religious people based upon the same thing—religious orientation, religious identity, and religious expression.

We can all agree that discrimination has no place in our communities. Likewise, we should all be able to agree that the state should never be able to discriminate against religious conscience. My fear and the fear of many Michiganders with sincerely-held religious beliefs is that if we pass Senate Bill No. 4 without clear protections for those practicing their faith, Senate Bill No. 4's new categories may be used as a sword rather than a shield. Unfortunately, there have been cases just like that in other parts of the country. A group of pastors in Houston who were subpoenaed to turn over their sermons, diaries, e-mails, checkbooks, and other communications for inspection by the local government officials. Two Idaho pastors who were threatened with prosecution, jail, and fines for refusing to carry out a ceremony violating their religious beliefs. A New York farmer sued for refusing to host an event that conflicted with his religious conscience. The bottom line is as currently written, Senate Bill No. 4 does not go far enough. We should do more to protect all citizens from invidious discrimination.

I offer this amendment to, one, build a bridge to real inclusiveness in Michigan; two, to stop any hostility toward people of faith; and three, to bring Michigan in line with other states and their clearly-stated protections for religious observation. The Michigan Catholic Conference reports that across the country, whenever these states enacted bills like Senate Bill No. 4, those laws also included clear protection for religious people as well. That is all I'm asking for today.

Some in this chamber have said that such an amendment is not needed as these things are already protected. To them I say, Thank you. Thank you for confirming that my proposed amendment is, in fact, lawful and important. You should, therefore, have no problem merely stating it by clearly agreeing to this language in this bill. This is a chance to work together, to honor both sides, to protect individual rights and religious conscience all at the same time. We can come together to an agreement with this one simple addition that will provide clarity, comfort, and peace to many in the faith-based community. We should be able to get this done together to protect all citizens of Michigan from discrimination.

Thank you for the support of this amendment.

Senator Theis' statement is as follows:

I agree with my colleague, people deserve to be protected and respected. I rise today to speak in favor of this amendment. The Elliott-Larsen Civil Rights Act has done much over the decades to help provide individuals and groups in our state equal treatment and protection under the law. While the current law does mention religion, this amendment would more clearly define it to include religious orientation, identity, and expression. This means protecting the actual living out of one's faith, rather than just a religious group, denomination, or church. Practically speaking, no one in Michigan should be discriminated against or punished for adhering to their deeply-held religious beliefs. If a business owner turns away a prospective patron because serving them would violate their religious beliefs, then the business owner's decision should be respected as an expression of their religious identity. Religious orientation, identity, and expression are at the core of our nation and central to its continuance, and Michigan must act to protect the individual right to live out one's faith without fear of governmental reprisal. We should not be forced to do things against our will that violate our religious faith. I know that the sponsor of this bill wants to protect people. I know that about him. I know he is a man of strong faith. I respect that, and I'm asking that we can respect all religious faiths. Thank you. I urge a "yes" vote.

Senator Johnson's statement is as follows:

I rise to ask my colleagues to support this amendment to Senate Bill No. 4. This is a narrowly-crafted amendment which would simply codify the ministerial exception that was recognized in a unanimous decision by the United States Supreme Court. The amendment does not change anything but it does codify this precedent.

The First Amendment to the U.S. Constitution provides that there will be “no law respecting an establishment of religion, or prohibiting the free exercise thereof.” This amendment would ensure that the Elliott-Larsen Civil Rights Act protects this important right for religious institutions in our state.

I ask my colleagues to support this important amendment.

Senator Runestad’s second statement is as follows:

I rise to speak to my amendment to Senate Bill No. 4. The United States Congress recently passed the Respect for Marriage Act. While I thought it should have gone even further, we should at a minimum adopt the religious protection language included in the act in our own legislation. This religious protection legislation was not passed by a Republican-controlled Congress or a Republican-controlled Senate or even a Republican President. No, these religious protections were passed and included by President Biden and an overwhelmingly Democratic Congress. I have seen many here on the floor, many of my colleagues, celebrating the signing of this federal act with the religious protection included so if it’s good enough for our national Democratic leaders, should it not be good enough for us now? If they included in their act, should not the same exact language be included in this legislation?

In order to better protect religious freedom and conscience, I propose that we amend the Elliott-Larsen Act to include the very same language that Congress passed. The Respect for Marriage Act reads:

“(a) IN GENERAL.—Nothing in this Act, or any amendment made by this Act, shall be construed to diminish or abrogate a religious liberty or conscience protection otherwise available to an individual or organization under the Constitution of the United States [, the Michigan Constitution,] Federal law [, or state law].

“(b) GOODS OR SERVICES.—Consistent with the First Amendment to the Constitution [and Michigan Constitution], nonprofit religious organizations, including churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, religious educational institutions, and nonprofit entities whose principal purpose is the study, practice, or advancement of religion, and any employee of such an organization, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges for the solemnization or celebration of a marriage. Any refusal under this subsection to provide such services, accommodations, advantages, facilities, goods, or privileges shall not create any civil claim or cause of action.”

If these minimal protections were good enough, satisfactory, for the Democrats in Congress and our President, then is there any reason why my Democratic colleagues here in the state of Michigan could possibly oppose this language? At least what we can do is mirror the federal Respect for Marriage Act and provide some minimal protection for people of faith. I ask for your support.

Senator Irwin’s statement is as follows:

Well, I didn’t want to miss this opportunity to stand up and offer my vocal support for this historic advancement for freedom here in Michigan, inching closer to the promise of freedom and America’s founding documents. It’s a proud moment here in the Michigan Senate today.

This bill is an embodiment of our best ideals as Americans and as human beings. I am happy that the Michigan Senate is poised to add another chapter to the story of the fight for liberty and freedom and respect for all people, expanding the circle of inclusion and pushing bigotry out of the open market for employment, housing, and public accommodation, and pushing that bigotry into the private spaces that I would note are still protected by this Elliott-Larsen Civil Rights Act.

Now, we’ve had this fight before and we heard a little bit about that from the Senator from the 38th District, America struggling to reconcile the freedom of some to discriminate against the freedom of all to live free in this society. Reconciling the question, Should your religious views trump all laws and give you a license to discriminate? I say, No. I don’t want your latest interpretation of your favorite text and your changing interpretations of your favorite text to decide what freedoms people have in this country. That’s not how it is supposed to work here in America. It’s been too long that we’ve allowed bigotry and discrimination to rule.

Once again, America has crossed this bridge before, and there are going to be people who try again and again to drag us back across this bridge, but I am proud to be standing here in favor of our best American ideals, in favor of the progress that leaves bigotry and discrimination behind. I am really gratified to be standing here today after a long road because I have seen friends, I’ve seen colleagues, I’ve seen constituents, and I’ve seen loved ones face discrimination in this state, be denied housing, be fired from jobs, be turned away from public businesses because of their sexual orientation or their gender identity. I am really proud to be standing here today in advancement of the interest of those people who have been left behind, in advancement of our best American ideals, and in advancement of the Michigan Senate as an institution that’s going to stand up for all people.

Senator McMorrow's statement is as follows:

I will never forget the day that the United States Supreme Court decided on marriage equality. I remember taking pictures of sidewalk chalk. I remember taking pictures of the celebrations that occurred around me. And this was something that didn't impact my life in any way. It didn't make my life any better; it didn't make my life any worse. But I recognized in that moment that finally my friends and my neighbors had the same rights that I've had. I'm a straight Catholic woman married to a straight Jewish man. Because of who we are, I cannot be fired from my job; my husband cannot be fired from his job. We cannot be denied a mortgage; we cannot be denied housing. The reality is that most of us in this room today enjoy those same protections, but some of us in this room today do not. Some of us in this room can be fired from their jobs simply because of who they are. Some of the people in this room can be denied an apartment or a house, not because of sexual desires or actions, but simply because of who they are. And we have a historic opportunity today to right a wrong that should have been righted decades ago.

Every single one of us in this room has to recognize that granting those around us more rights and more protections does nothing to strip away our own rights and protections. This is an incredibly proud day for the state of Michigan, a state that is signaling to the rest of the country that no matter who you are, you are welcome here. You will be protected here. You can find a job, a career, doing what you love in a place and a community that you can call home. I'm incredibly proud and grateful to this Legislature and my colleague for working on this for so many years, and I am proud to stand in support of this today.

Senator Shink's statement is as follows:

I rise today to speak in support of voting for the Elliott-Larsen Civil Rights Act expansion. Some of the comments of my colleagues across the aisle about why their religious beliefs justify discrimination against Michiganders in their daily lives illustrates exactly why this legislation is necessary. Everyone is entitled to their religious beliefs; however no one's religious beliefs, no matter how sincerely they hold them or how righteous and God-blessed they think they are, are an excuse for the oppression of others as the Senator from the 7th District has argued here today so succinctly.

I appreciate that my colleagues across the aisle have shown us who they are and that without a "yes" vote on the Elliott-Larsen Civil Rights Act today, millions of Michiganders will continue to experience discrimination in their daily lives. For all the people who I know who struggle with this discrimination, who have struggled with this discrimination, who have had to pretend that they are somebody else that they weren't in their private life—which is nobody's business but their own—so that they could keep their job, so that they would be sold their house, so that they could access medical care just like the rest of us, I am so amazingly proud to be here today to take this vote.

Senator Chang's statement is as follows:

This morning it seems we've been on the receiving end of lectures about ethics and morals from those who appear to be poised to take a "no" vote that I believe years in the future—and today—will be seen as clearly immoral and unethical. It is unethical to deny someone housing because of their sexual orientation or gender identity. It is unethical to deny someone a job because of who they are. It is immoral to deny someone their right to identify how they choose and how they truly are inside of themselves. It also seems that some of our colleagues are trying to make this into a complicated issue, however the reality is that this bill is very simple. It is about equal protection under the law. It is about basic human dignity and respect. It is about giving people the opportunity to be their true, authentic selves.

Lastly, after all of the comments we've heard from detractors, I think it is so critical that we take a moment to uplift the years and decades of organizing and advocacy on the part of LGBTQ people and their allies. You have gone through so much to get to this point. Today's victory, once we pass Senate Bill No. 4, is your victory. I applaud you and I continue to be inspired by your movement for change. I am proud to support Senate Bill No. 4 and I urge my colleagues vote with their heart and to do the right thing today.

Senator Klinefelt's statement is as follows:

I've had to sit here and listen to individuals indicate that who my son is and how he was born violates the conscience of others. It is not my son's fault that his mere existence interferes with others moral order of things. But it is precisely because individuals in this room and elsewhere have that feeling about my son that he needs to be protected against you. Thank you, Senator Moss.

Senator Moss' statement is as follows:

In 1977, Democratic Representative Daisy Elliott and Republican Representative Mel Larsen passed the civil rights act here in Michigan that states, "The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities

without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status...is recognized and declared to be a civil right.” And from the beginning, starting during the first hearing process of this bill in 1973—fifty years ago—there has been a dogged yet unsuccessful effort to add sexual orientation and gender identity and expression among those protected classes. Unsuccessful until now.

Today I’m running through the tape, but this baton has been passed from generations to generations of LGBTQ activists. From those in Ann Arbor and East Lansing who adopted the first local ordinances protecting individuals in our community in 1972, to organizers of the first Pride march that same year in Detroit. Icons from our community who propelled this movement that got us here, many of whom are no longer with us after fearlessly dedicating their lives to equality. Jeff Montgomery, Ruth Ellis, Jim Toy, Henry Messer. Jim Dressel, a former Republican state representative from Ottawa County who first introduced this bill in 1983—40 years ago. He died in 1992, still hoping that this day would come.

In these last decades, real Michiganders suffered from real acts of discrimination. Denied housing and evicted, denied jobs and fired, denied services and put out of places for no other reason than their sexual orientation or gender identity. They were kicked out of Michigan’s economy as workers and consumers. This left them figuratively and sometimes literally beaten, battered, and bruised for having the audacity to live their lives as they were. Had it not been for their courage to come forward, to bring much-needed attention to these wrongs, we could not have progressed to this moment. This bill is dedicated to them.

I also want to uplift another class of LGBTQ people who have long suffered due their exclusion in the civil rights act: those who have long suffered in silence. Those who have avoided at all costs sharing aspects of their personal life with their work colleagues, never talking about partners or interests or hobbies for fear of how it could impact their economic security. Always painfully mindful of how they act, how they walk, how they talk, how they present themselves, and who they affiliate with. Just this last week I heard from a former friend of an 80-year-old woman, who cut out everyone from her life when she moved into a senior living facility. She said, I’m no longer a lesbian, I’m just a bridge player. She didn’t want to lose a secure place to live in her remaining years so she could not be both a lesbian and a bridge player. Still today, those who don’t sit on the same side of the restaurant booth with a loved one or hold hands with them while walking down the street because it opens them up to discrimination with no remedy for justice. This bill liberates them. Our community deserves to thrive.

Eighteen years ago when I was 18 years old, I didn’t know who I was or what I was going to be. That year, Michigan voted for one of the harshest marriage bans in the country that I previously mentioned. I thought I had no future. Not just no future here in Michigan, I thought I had no future. What kind of life could I possibly live? Just by existing, my life was unlawful. I’ve come a long way to get here. Our community has come a long way to get here. I know many of you have come a long way and opened up your hearts and minds in the last years since this long journey began. It’s time to write the final chapter. You all have an opportunity now to be a part of it and when this vote comes up on the board, you will tell generations of the people yet to even come that they have a future too. I request a “yes” vote.

The President, Lieutenant Governor Gilchrist, resumed the Chair.

Announcements of Printing and Enrollment

The Secretary announced that the following bills were printed and filed on Tuesday, February 28, and are available on the Michigan Legislature website:

**House Bill Nos. 4137 4138 4139 4140 4141 4142 4143 4144 4145 4146 4147 4148 4149
4150 4151 4152 4153 4154**

Committee Reports

The Committee on Housing and Human Services reported

Senate Bill No. 35, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 10d (MCL 400.10d), as added by 2012 PA 79.

With the recommendation that the bill pass.

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

Jeff Irwin
Chairperson

To Report Out:

Yeas: Senators Irwin, Santana, Cavanagh, Bayer, Shink, Chang, Cherry, Geiss, Lindsey and Damoose

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Housing and Human Services submitted the following:

Meeting held on Tuesday, February 28, 2023, at 12:00 noon, Room 403, 4th Floor, Capitol Building

Present: Senators Irwin (C), Santana, Cavanagh, Bayer, Shink, Chang, Cherry, Geiss, Lindsey, Hoytenga and Damoose

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, February 28, 2023, at 1:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Klinefelt (C), Wojno, Moss, Bayer, Shink, Hoytenga and Daley

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Agriculture submitted the following:

Meeting held on Tuesday, February 28, 2023, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Shink (C), Cherry, Singh, Polehanki, Daley, Victory and Hoytenga

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Infrastructure submitted the following:

Meeting held on Tuesday, February 28, 2023, at 3:30 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Geiss (C), Klinefelt, Wojno, Hertel, Camilleri, Chang, McCann, McBroom, Victory, Bumstead and Bellino

Scheduled Meetings**Appropriations –****Subcommittees –**

DHHS – Thursday, March 2, 4:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

EGLE – Thursday, March 2, 3:00 p.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

Military, Veterans, State Police – Tuesday, March 7, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Transportation – Thursday, March 2, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Civil Rights, Judiciary, and Public Safety – Thursday, March 2, 12:00 noon, Room 1100, Binsfeld Office Building (517) 373-5312

Economic and Community Development – Thursday, March 2, 11:15 a.m., Room 1200, Binsfeld Office Building (517) 373-1721

Energy and Environment – Thursday, March 2, 1:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Labor – Thursday, March 2, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5314

Regulatory Affairs – Thursday, March 2, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 11:47 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, March 2, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

