

No. 16
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Thursday, February 13, 2020.

10:00 a.m.

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

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

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

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

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

Pastor Chad Minkler of Charis New Testament Church of Vassar offered the following invocation:

Father, we welcome Your Spirit into this place today, and as we come to You I can't help but be put in remembrance of the words of Jesus Christ, when he taught us to pray: "Thy Kingdom come, Thy will be done on earth as it is in heaven." As servants of the great state of Michigan, help us to understand that we have been given a great responsibility to be instruments of Your good, fulfilling Your will of bringing heaven to earth. We ask for Your divine wisdom, for we are not so proud to believe that the answers to our greatest problems lie in the plans of men and women, but come from above. As we humble ourselves and submit to Your ways, we ask that Michigan would rise up as a standard in the United States, of government done rightly. That we would be a government that promotes and safeguards liberty to its citizens and empowers its people to rise to their full potential.

Bless these men and women with wisdom, creative ideas and vision, giving foresight into the future. May they aid the business of Michigan to prosper and serve our great state, producing revenue and opportunities greater than ever before. We thank You, God, for the gift of work, which enables us to provide for ourselves and others through our God given creativity and means of being productive. God, You are mighty to save and history tells us that one of the pillars of any great society is healthy, strong families. We thank You for the design of family—the beautiful relationships of husband, wife, parent, child, and siblings. They display Your nature and fulfill some of our deepest longings for intimacy and communion. May we do everything in our power to strengthen and protect Your design; for in doing so, we strengthen our homes, communities and this great state. Father, give us the boldness to be champions of life, from conception into old age, for we all are fearfully and wonderfully made; a gift from heaven, and are the crown jewel of Your creation.

God, we thank You for these leaders of our great state, and ask that You bless them as they serve the people of Michigan with integrity, honor, courage, and strength.

In Jesus' name. Amen.

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

Senator MacGregor moved that when the Senate adjourns today, it stand adjourned until Friday, February 14, 2020, at 10:00 a.m.

The motion prevailed.

Motions and Communications

Senator MacGregor moved that Senator Barrett be excused from today's session.

The motion prevailed.

Senator Chang moved that Senator Hollier be excused from today's session.

The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

February 13, 2020

Session and all committees were canceled for Wednesday, February 12, 2020 due to buildings throughout downtown Lansing not having heat. The heating failure included the State Capitol, the Binsfeld Office Building and Boji Tower. In coordination with the Governor's office and the Michigan House of Representatives, the Michigan Senate closed.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Mike Shirkey

Senate Majority Leader

Michigan's 16th Senate District

The communication was referred to the Secretary for record.

The following communication was received:
Office of Senator Rosemary Bayer

February 11, 2020

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 764 introduced by Senator Lana Theis on February 4, 2020.

Sincerely,
Rosemary K. Bayer
12th Senate District
State Senator

The communication was referred to the Secretary for record.

Recess

Senator MacGregor moved that the Senate recess until 10:30 a.m.
The motion prevailed, the time being 10:06 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Nesbitt.

Recess

Senator MacGregor moved that the Senate recess until 10:45 a.m.
The motion prevailed, the time being 10:31 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Nesbitt.

Recess

Senator MacGregor moved that the Senate recess until 11:00 a.m.
The motion prevailed, the time being 10:46 a.m.

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Gilchrist, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4444, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 11 (MCL 15.241), as amended by 2014 PA 563.

House Bill No. 4445, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 4 (MCL 15.234), as amended by 2018 PA 523.

House Bill No. 4468, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 5 (MCL 15.235), as amended by 2018 PA 105.

Senate Bill No. 345, entitled

A bill to amend 1994 PA 300, entitled "Michigan vehicle code," by amending section 20a (MCL 257.20a), as amended by 2012 PA 239, and by adding sections 20b and 30d.

Senate Bill No. 346, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 6311 and 6512 (MCL 324.6311 and 324.6512), as added by 1995 PA 60.

House Bill No. 4830, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2018 PA 245.

House Bill No. 5263, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 2011 PA 58.

Senate Bill No. 595, entitled

A bill to authorize the state administrative board to accept and convey real property in Grand Traverse County; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

House Bill No. 4912, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2018 PA 479.

House Bill No. 4203, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as amended by 2017 PA 221.

House Bill No. 4204, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as amended by 2017 PA 220.

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

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

Senate Bill No. 344, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216, 217i, 802, and 803a (MCL 257.216, 257.217i, 257.802, and 257.803a), section 216 as amended by 2009 PA 32, section 217i as added by 2018 PA 680, section 802 as amended by 2016 PA 425, and section 803a as amended by 1996 PA 404, and by adding section 803s.

Substitute (S-1)

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Bayer, Polehanki, McMorrow, Moss, Wojno, Santana, Bullock, Brinks, Irwin, Alexander, Theis, LaSata, Bumstead, Geiss and Chang offered the following resolution:

Senate Resolution No. 99.

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

Whereas, Children with disabilities deserve quality education to develop skills so they can fully participate in social, economic, and political life. However, 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). Congress states in the law 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, the federal government is currently 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) would fully fund the IDEA at the 40 percent level that was originally promised. Passage of this legislation would ensure that the federal government is paying for its fair share of the cost of special education services and would 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, school districts 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 that 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 MacGregor moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator MacGregor moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator MacGregor moved that consideration of the following resolutions be postponed until Wednesday, March 25:

Senate Resolution No. 30

Senate Resolution No. 38

Senate Resolution No. 49

The motion prevailed.

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

Senate Resolution No. 97

The motion prevailed.

Senate Resolution No. 97.

A resolution to recognize February 2020 as School-Based Health Care Awareness Month.

(This resolution was offered on Tuesday, February 4 and consideration postponed until Wednesday, February 12. See Senate Journal No. 12, p. 136.)

The question being on the adoption of the resolution,

The resolution was adopted.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 420

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 420, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2559, 6002, and 6012 (MCL 600.2559, 600.6002, and 600.6012), section 2559 as amended by 2018 PA 261.

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. 44

Yeas—36

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

Nays—0

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4832, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2083) by adding section 18b.

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. 45

Yeas—36

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

Nays—0

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4689, entitled

A bill to amend 1937 PA 306, entitled “An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,” by amending the title and section 5a (MCL 388.855a), the title as amended by 2002 PA 628 and section 5a as amended by 2006 PA 199, and by adding section 1d.

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. 46

Yeas—36

Alexander	Geiss	MacGregor	Santana
Ananich	Hertel	McBroom	Schmidt
Bayer	Horn	McCann	Shirkey
Bizon	Irwin	McMorrow	Stamas

Brinks	Johnson	Moss	Theis
Bullock	LaSata	Nesbitt	VanderWall
Bumstead	Lauwers	Outman	Victory
Chang	Lucido	Polehanki	Wojno
Daley	MacDonald	Runestad	Zorn

Nays—0

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4128, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 1 of chapter XI (MCL 711.1), as amended by 2000 PA 111.

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. 47

Yeas—35

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

Nays—1

Alexander

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4152, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2891 (MCL 333.2891), as amended by 2019 PA 89.

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. 48

Yeas—36

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

Nays—0

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4153, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2803 (MCL 333.2803), as amended by 2012 PA 499.

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. 49

Yeas—36

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

Nays—0

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5124, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 78g, 78k, and 78q (MCL 211.78g, 211.78k, and 211.78q), section 78g as amended by 2014 PA 500, section 78k as amended by 2016 PA 433, and section 78q as amended by 2019 PA 35.

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. 50

Yeas—36

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

Nays—0

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator MacGregor moved that the Committee on Advice and Consent be discharged from further consideration of the following appointment:

Michigan Natural Resources Commission

Ms. Anna Mitterling, an Independent, of 1165 Harper Road, Mason, Michigan 48854, county of Ingham, succeeding Vicki Pontz whose term expires December 31, 2019, appointed for a term commencing January 1, 2020 and expiring December 31, 2023.

On which motion Senator MacGregor requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 51

Yeas—20

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

Nays—16

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

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

Senator MacGregor moved that the Senate disapprove the appointment.

The question being on the disapproval of the said appointment to office,

The Senate disapproved the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 52

Yeas—20

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

Nays—16

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

Excused—2

Barrett	Hollier
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Not Voting—0

In The Chair: President

Protests

Senators Hertel, Moss, Bayer, Polehanki, McMorrow, Wojno, Irwin, Bullock, McCann, Geiss, Chang, Ananich, Alexander and Brinks, under their constitutional right of protest (Art. 4, Sec. 18), protested against the disapproval of the gubernatorial appointment.

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

The motion prevailed.

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

I rise to give my “no” vote explanation to the disapproval of the appointment of Anna Mitterling to the Natural Resources Commission.

Colleagues, in these insane days—and this day does seem to be insane right now—I try to look back at the history of this body for guidance. Ken Sikkema, the former Senate Majority Leader who served before term limits, put out a statement earlier this year about the history of advice and consent. His statement is, “it’s not about trying to reject people that you disagree with ideologically, because the Governor has a right to appoint the people that are ideologically, philosophically, and politically compatible with her. It’s more about, ‘do these people have the basic competence? Is there anything in their background that would disqualify them from this high level of service?’”

Colleagues, on your desk is Anna’s resume. I hope you’ve all taken the time to actually read it. I’m going to give you some highlights while up here today. She has a master’s degree from Michigan State University in fisheries and wildlife. She will literally be the first person ever appointed to this commission who is an

actual scientist when it comes to these issues. As one member of the other side aisle pointed out to me earlier today, she is actually overqualified for this position. She has a bachelor's degree in recreation and natural resources, focusing on zoology, chemistry, ecology, plant taxonomy, stream ecology, anatomy, physiology, statistics, physics, communications, consumer relations, management leadership, organizational behavior, marketing, microcomputers, and cross-cultural studies in Guatemala. She is certainly extremely qualified when it comes to an educational background. No one can get up from the other side of the aisle and stand up and say that she isn't.

Let's look at her professional background. She's an adjunct professor at Lansing Community College teaching environmental science, so she actually teaches people environmental science for a living. She worked as the Wildlife Cooperative Coordinator for the Michigan United Conservation Clubs. She was part of the Great Lakes Leadership Academy. She was a watershed technician in the Ingham Conservation District. Again, it would be hard to argue that her history does not show that she's qualified.

What about her own personal volunteer work? She's volunteered with the Department of Natural Resources lab as a chronic wasting disease technician. She is a technical director at Journey Life Church. She's an advisor at the Blandford Nature Center deer hunt. She's a hunter. If you went to her Instagram, you would know that she hunts with young people—she actually brings young people into hunting—something we desperately need in this state; something that many of you are always talking about. Go look and what her actual record is. She's a youth leader at Real Life, which is a church youth group. She's volunteered at a DNR deer check station.

Colleagues, quite frankly, most of you would be lucky to have a resume like this. Thank God for each of you that no one had to review your resume in this same way for you to serve in this body. She is obviously qualified. There is zero question of it and I dare anyone from the other side of the aisle to get up and actually make an argument that she's not. It is obvious from any reasonable indication that she is qualified.

So next we would look at her positions—whether she's a vegan or that she is some kind of animal rights activist that would make you be opposed to her. Well, nothing could be further from the truth. She's not involved in politics at all. She hunts herself—there are images on her Instagram of her cleaning a deer. She is obviously not in that position. And if you looked at the hunting organizations of this state, she volunteers with our local Pheasants Forever in my district. I've spoken with leaders there from my local Pheasants Forever chapter and they say that they have a long history of working with her and she is exactly what we need to get more people engaged and supporting our resources of hunting.

I then went to a statewide organization. Amy Trotter is the executive director of the Michigan United Conservation Clubs. I'm going to read her statement on Ms. Mitterling:

“For a number of years Ms. Mitterling has been an active and engaged member of Michigan's conservation community and a volunteer researcher in a professional capacity. From a personal perspective, she is a hunter, a land owner, a mother, and a wife. In a state faced with loss of hunting licenses over time, she is exactly the type of perspective we need on the NRC to bring into the outdoors and ensure that we have a next generation of conservationists. I would like to underscore her commitment to science and data collection and analysis. As someone with a graduate degree in fisheries and wildlife, she understands the basis of adaptive wildlife management and the collection of both biological and social data. Not only that, but she also has experience directly working with hunters, land owners, and cooperatives, and has successfully facilitated groups of disparate land owners in coming together achieve common goals. Ms. Mitterling also as a familiarity of the major challenge facing DNR in terms of wildlife disease. Having personal experience working at a deer check station and volunteering in the wildlife disease lab. Throughout those engagements, I have found her to learn what is best for our natural resources by seeking to listen and understand. The work of the NRC has tremendous impact on Michigan and I believe Anna has demonstrated her commitment to science-based natural resource management throughout her time as a student, educator, and conservation professional. I encourage you to carefully consider the appointment of Ms. Anna Mitterling to the NRC as she seeks to continue her service to our natural resources and their betterment for future generations.”

Again, no one could question her qualifications. No one could question that most hunting groups have come out to actually support this woman. It's not about her not supporting hunting. It's not about her record. So what is it about? Colleagues, it's about something much more sinister. The reality is that those in the majority are mad about a man and so they are going to take it out on a qualified woman. What they're mad about is that George Heartwell, former mayor of Grand Rapids—who certainly is also qualified by the way—was appointed and a call came out yesterday to the Governor's office from the majority's office saying that if they were willing to pull back on George—if they were willing to take George back—that they wouldn't do this to Anna today. Those are the facts. A political game, that's what we're in the middle of right now. Everyone in this body knows it. By the way, my understanding is that they didn't poll your members before

they did that. They decided to use this young woman in a political game because they don't like that George said something negative about guns at a city council meeting because he didn't want guns in a city council meeting. And they're getting pressure from the National Rifle Association. That's what this is about. To be clear, I'm not so sure why that matters about hunting either because unless they are literally in the city council chambers I'm not sure what that has to do with hunting either.

This is not about this woman's qualifications. This is nothing other than a political game that you're all being asked to be a part of. Just imagine this: for the rest of her life, when her children go and Google her name; when future employers go and Google her name—because that's where we live now, we should all know that; I've seen some interesting things under your Google results, too—for the rest of her life, it's going to say “unqualified by the Michigan Senate.” What a damn shame. How could you possibly morally or ethically do that to someone, when you know she is qualified. There are zero questions so to whether she is qualified or not.

Colleagues, I'm not asking you to be grand “profiles in courage” today, as the book was written about John F. Kennedy. I'm not asking that. I'm asking for a little bit of courage—an ounce of courage. I understand that it's not easy to stand up to your leadership. I get that. I don't envy your position there. With that being said, it's exactly what you were elected to do. Our job—we all serve the people that sent us here—your job is to do what you think is right, not be part of some political game. It has nothing to do with this woman. It is 100 percent unfair what is happening. It is unethical and immoral to put her in the middle of this political game and I'm asking each of you—those of you that are on your phone; those of you who are out listening this second—I'm asking each of you to show an ounce of courage in this body today and to reject this motion. I'm asking you to do your job—to consider the actual facts, to read the resume. And if you're not going to do that, at least recess for a moment and go talk to her. I'm more than happy to get you on the phone with her. I've asked several of your members, including your leadership, to do that today. Ask some questions to her. Find out your own opinion. Do not be led down this political game. Do not put consequences on a qualified woman because you have problems with a man. It makes no sense.

I ask for you all to consider doing that. Apparently we have a session day tomorrow. We can come back tomorrow and say “no,” because you were so afraid that one of us might make a motion. I ask you to take a little bit of time and not do this right this second to this person that you have literally nothing but good things in the information in front of you about her—not one negative thing.

Colleagues, I ask for a “no” vote so that the history of this day and of this action will be reflected in the Senate record, the dark stain that it is.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Lucido introduced

Senate Bill No. 791, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1 of chapter VIII (MCL 768.1).

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

Senator Barrett introduced

Senate Bill No. 792, entitled

A bill to amend 1992 PA 234, entitled “The judges retirement act of 1992,” by amending sections 301 and 604 (MCL 38.2301 and 38.2604), section 604 as amended by 2018 PA 335, and by adding sections 509a and 714a.

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

Statements

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:

Today I rise to speak to my resolution that was introduced yesterday on our steam day to urge Congress to fully fund the Individuals with Disabilities Education Act, also known as IDEA. Passed in 1975 and updated

in 1997, IDEA is meant to ensure the quality of opportunity and economic self-sufficiency for all individuals with disabilities.

While IDEA has increased access to education for millions of students, the act is dangerously underfunded. In the original legislation, Congress promised to cover 40 percent of the additional cost of those special education services that are required by the act, however the federal government currently is covering only 14.6 percent of the cost and we've seen an increase of 25 percent more students being served. This means our school districts are spending money out of their general education fund to cover those costs required by the federal government IDEA. There's legislation already introduced in Congress that would ensure the federal government pay its fair share and would alleviate that financial burden on individual school districts. Children with disabilities deserve a quality education that develops their skills so they can fully participate in social, economic, and political life. Doing anything less is shirking our responsibility as elected officials. I hope that you will join me and a bipartisan group of Senators here today to co-sponsor this proposed resolution—Senate Resolution No. 99—that will urge Congress to pass the full funding of the Individuals with Disabilities Act.

Protest

Pursuant to rule 3.506, Senator Alexander submitted her reasons, in writing, for voting “no” on the passage of House Bill No. 4128.

Senator Alexander's statement is as follows:

I voted “no” on the bill because I believe that both parental rights should be acknowledged with equal protections, even if such crimes take place.

Senator MacGregor moved that when the Senate adjourns today, it stand adjourned until Tuesday, February 18, 2020, at 10:00 a.m.

The motion prevailed.

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, February 12 for her approval the following bill:

Enrolled Senate Bill No. 455 at 12:26 p.m.

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

Senate Bill Nos. 788 789 790

House Bill Nos. 5476 5477 5478 5479 5480 5481 5482 5483 5484 5485 5486

Committee Reports

The Committee on Regulatory Reform reported

Senate Bill No. 659, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 248I (MCL 257.248I), as added by 2018 PA 420.

With the recommendation that the bill pass.

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

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall and Zorn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

Senate Bill No. 696, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1801 and 1809 (MCL 339.1801 and 339.1809), section 1801 as amended by 2006 PA 300.

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.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, February 11, 2020, at 3:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, VanderWall, Zorn, Moss, Polehanki and Wojno

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Natural Resources and Environment, Great Lakes, and Energy submitted the following:

Meeting held on Tuesday, February 11, 2020, at 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor,

Capitol Building

Present: Senators Bumstead (C), Outman, Victory, McCann and Bayer

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, February 11, 2020, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Theis (C), Horn, Bumstead, Runestad, Daley, Polehanki and Geiss

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Transportation submitted the following:

Meeting held on Tuesday, February 11, 2020, at 12:00 noon, Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schmidt (C), Victory, MacGregor, MacDonald, Zorn and Bayer

Excused: Senator Hollier

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, February 11, 2020, at 2:00 p.m., Room 1100, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Labor and Economic Opportunity/MEDC submitted the following:
Meeting held on Tuesday, February 11, 2020, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Horn (C) and Schmidt

Excused: Senator Hollier

Scheduled Meetings

Appropriations - Wednesday, February 19, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees -

Agriculture and Rural Development - Thursday, February 20, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Community Health/Human Services - Wednesday, February 19, 12:30 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

General Government - Wednesday, February 19, February 26, March 4, March 11 and March 18, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Justice and Public Safety - Thursdays, February 20 and February 27, 1:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

Labor and Economic Opportunity/MEDC - Tuesdays, February 18, February 25 and March 3, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Natural Resources and Environment, Great Lakes, and Energy - Tuesday, February 18, 8:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Universities and Community Colleges - Thursday, February 27, 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Energy and Technology - Tuesday, February 18, 2:00 p.m., Room 1100, Binsfeld Office Building (517) 373-1721

Families, Seniors, and Veterans - Wednesday, February 19, 3:00 p.m., Room 1200, Binsfeld Office Building (517) 373-1721

Finance - Thursday, February 27, 11:00 a.m., Room 1200, Binsfeld Office Building (517) 373-5312

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, the time being 11:57 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, February 18, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate