

No. 64
STATE OF MICHIGAN
Journal of the Senate
100th Legislature
REGULAR SESSION OF 2020

Senate Chamber, Lansing, Saturday, August 15, 2020.

10:00 a.m.

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

Recess

Senator MacGregor moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:01 a.m.

10:44 a.m.

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

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

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

Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
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

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

Lord, calm our anxious spirits and remove the distractions that would keep us from You here today. Help us to hear Your voice and the voices of those we represent. Help guide us and our state towards a better future.

Lord help me to remember that nothing will happen to me today, tomorrow or the next day that You, I, and we, together cannot handle.

In Your name we pray. Amen.

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

Motions and Communications

Senator MacGregor moved that rule 3.901 be suspended to allow filming and photographs to be taken from the Senate Gallery.

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

Senator MacGregor moved that the Committee on Education and Career Readiness be discharged from further consideration of the following bills:

House Bill No. 5911, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 21f (MCL 388.1621f), as amended by 2018 PA 265.

House Bill No. 5912, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2019 PA 58.

House Bill No. 5913, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 6, 18, 23a, and 104 (MCL 388.1603, 388.1606, 388.1618, 388.1623a, and 388.1704), section 3 as amended by 2017 PA 108, sections 6, 18, and 104 as amended by 2019 PA 58, and section 23a as amended by 2020 PA 22.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator MacGregor moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5911

House Bill No. 5912

House Bill No. 5913

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

Messages from the Governor

The following messages from the Governor were received and read:

August 14, 2020

I respectfully submit to the Senate the following appointments to office pursuant to Public Act 203 of 1965, MCL 28.603 and Executive Order No. 2020-121:

Michigan Commission on Law Enforcement Standards

Pastor Tellis J. Chapman of 19635 Stratford Road, Detroit, Michigan 48221, county of Wayne, appointed to represent residents of the state, for a term commencing August 14, 2020 and expiring December 31, 2023.

Pastor Jeffery A. Hawkins, Sr. of 1410 Sunnyside Avenue, Flint, Michigan 48503, county of Genesee, appointed to represent residents of the state, for a term commencing August 14, 2020 and expiring December 31, 2022.

Dr. Lisa R. Jackson of 4688 Pearl Street, Ypsilanti, Michigan 48197, county of Washtenaw, appointed to represent residents of the state, for a term commencing August 14, 2020 and expiring December 31, 2021.

Chief Eric P. Payne of 4302 Knapp Valley Drive, N.E., Grand Rapids, Michigan 49525, county of Kent, succeeding Donald Mawer who has resigned, appointed to represent an individual nominated by the Michigan Association of Chiefs of Police, for a term commencing August 14, 2020 and expiring December 31, 2021.

August 14, 2020

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

Michigan Tax Tribunal

Ms. Victoria L. Enyart of 836 Woodbine Street, Jackson, Michigan 49203, county of Jackson, reappointed to represent certified level IV assessors, for a term commencing August 17, 2020 and expiring June 30, 2024.

Ms. Patricia L. Halm of 1210 Red Oak Lane, Apt. 102, East Lansing, Michigan 48823, county of Ingham, succeeding Michelle Lange who has resigned, appointed to represent members at large, for a term commencing August 24, 2020 and expiring June 30, 2022.

Respectfully,
Gretchen Whitmer
Governor

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

The following message from the Governor was received and read:

HEALTH FACILITIES; NURSING HOMES; ADMITTANCE OF COVID-19 POSITIVE PATIENTS TO NURSING HOMES FROM ANOTHER FACILITY; PROHIBIT

July 31, 2020

Today I am returning Enrolled Senate Bill 956 to you without my approval.

My response to this once-in-a-lifetime pandemic has protected our most vulnerable, including our seniors, by allowing us to bend the curve on this virus. Where Michigan was once among the states most heavily hit, our per-capita case rate is now roughly one third of the national average.

From day one, I have protected nursing home residents, following federal CMS guidance to establish a system of regional hubs and dedicated isolation units. To ensure our nursing homes are as safe as possible, I pushed our inspectors to complete 100% of infection control surveys more than two months before the federal deadline, and they delivered. And I have worked tirelessly to procure tests and PPE to keep seniors safe, and to facilitate testing for all nursing home residents and staff, with little to no assistance from federal authorities. To protect against a possible second wave, I created the nursing home preparedness task force, which is set to produce its report August 31. Finally, my stay-home and safe-start orders – despite opposition from some in the legislature – have dramatically cut the infection rate and limited community spread, the single-greatest threat to the residents of long-term care facilities.

SB 956 is based on the false premise that isolation units created within existing facilities are somehow insufficient to protect seniors—a claim unsupported by the data and refuted by the nation’s highest authorities on infectious disease. Instead of protecting seniors, this bill would require the state to create COVID-19-only facilities, forcing hospitals and many nursing homes to send COVID-19-positive patients to such facilities without any requirement for consent, doctor approval, or notification to the patient or their family. The legislation fails to explain how such facilities would be staffed or paid for, or how frail residents would be protected during the potentially traumatic transfer from one facility to another.

The inadequacy of this legislation has been recognized by the organization created to fulfill the mandate of the Older Americans Act to advocate on behalf of older adults, the Michigan Senior Advocates Council (MSAC). MSAC wrote to me, asking me to veto this legislation for the sake of the safety of Michigan’s nursing residents, because the bill “lacks clarity, provides an unrealistic timeline, and fails to offer critical details to ensuring quality of care.”

I look forward to continuing to work with stakeholders and legislators on the task force to develop real solutions that make sense for Michigan seniors and their families. Because this legislation fails to protect them, I am vetoing it.

Respectfully,
Gretchen Whitmer
Governor

The bill was returned from the Governor on July 31, 2020, at 3:52 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that consideration of the bill be postponed temporarily.

The motion prevailed.

The following message from the Governor was received and read:

HEALTH OCCUPATIONS: HEALTH PROFESSIONALS; IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY DURING A DECLARED EMERGENCY; PROVIDE FOR CERTAIN HEALTH CARE WORKERS

August 10, 2020

Today I am returning Enrolled Senate Bill 899 to you without my approval. During an especially intense period of this pandemic, as the number of new cases were surging toward our first peak and we faced the very real possibility of our hospitals being overrun, I invoked special liability protections for certain health care providers. The legislature created these protections under subsection (4) of section 11 of the Emergency Management Act of 1976, 1976 PA 390, MCL 30.411(4). According to this provision, these protections apply if the governor has declared a state of disaster and the health care provider offers services at the "express or implied request" of the governor. I made this request on March 29, 2020 through Executive Order 2020-30; renewed it on April 26, 2020 through Executive Order 2020-61; and rescinded the request on July 13, 2020 through Executive Order 2020-150.

To the extent the availability of these liability protections have been rendered questionable during the time period those orders were in effect, it is only because the majority in both houses of the legislature have refused to recognize this once-in-a-lifetime global pandemic for what it is: an emergency. SB 899 is an attempt to mop up one consequence of that failure.

If this bill only attempted to restore the protections I offered under my orders, I would consider signing it. But the bill goes much further in ways that are directly counter to the interests of those receiving care. For example, this bill would give health care providers and the facilities that employ them broad immunity every time an emergency or disaster is declared, regardless of whether the circumstances demand this extreme measure. A person receiving treatment at a hospital or a resident in a nursing home would be powerless to seek relief when they are harmed in any but the most egregious cases.

For this and other reasons I veto this bill.

Respectfully,
Gretchen Whitmer
Governor

This bill was returned from the Governor on August 10, 2020, at 3:38 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Senator MacGregor moved that consideration of the bill be postponed temporarily.

The motion prevailed.

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 Daley as Chairperson.

Recess

Senator MacGregor moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 10:58 a.m.

11:45 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Daley.

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

House Bill No. 5911, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 21f (MCL 388.1621f), as amended by 2018 PA 265.

Substitute (S-1)

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

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

House Bill No. 5912, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2019 PA 58.

Substitute (S-2)

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

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

House Bill No. 5913, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 18, 23a, and 104 (MCL 388.1603, 388.1606, 388.1618, 388.1623a, and 388.1704), section 3 as amended by 2017 PA 108, sections 6, 18, and 104 as amended by 2019 PA 58, and section 23a as amended by 2020 PA 22.

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.

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

House Bill No. 5911

House Bill No. 5912

House Bill No. 5913

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

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received on August 15, 2020, and read:

EXECUTIVE ORDER

No. 2020-170

Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers

Rescission of Executive Order 2020-146

The novel coronavirus presents an unusually deadly threat to people living in congregate settings like jails and prisons. In order to protect these vulnerable people, I took swift action in March 2020 to stem the tide of COVID-19 in prisons and jails by ordering a suspension of transfers from jails to prisons, and requiring the Department of Corrections to implement certain risk reduction protocols. Under this order, jails were allowed to resume transfers only upon demonstrating that they had implemented comparable risk reduction protocols.

I am extremely proud of Michigan's efforts to expand testing, especially of vulnerable populations. Our state now conducts the sixth-highest number of daily tests and requires testing in congregate settings like nursing homes and agricultural worker housing. In light of the ongoing threat of COVID-19 to jail and prison populations, and the increased availability of testing in our state, it is now reasonable and necessary to require entry, transfer, and release testing of inmates in Michigan prisons, and to allow transfers only from jails that implement comparable testing protocols.

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 *et seq.*, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 *et seq.*

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On August 7, 2020, I issued Executive Order 2020-165, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

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

1. **Transfers from jails to prisons.** All transfers into the custody of the Department of Corrections ("Department") are temporarily suspended unless the transferring jail or local lockup satisfactorily implements both the risk reduction protocols described in section 2 and the testing protocols described in section 3. This section is effective immediately for jails that have not resumed transfers into the Department under a prior version of this executive order, and effective September 8, 2020 for jails that have resumed transfers into Department custody under a prior version of this executive order.

(a) Beginning seven days from the effective date of this order, and no more than once every seven days, a jail or local lockup may request that the Director of the Department (“Director”) determine that the jail or lockup has satisfactorily implemented both the risk reduction protocols described in section 2 and the testing protocols described in section 3.

(b) Upon inspection, if the Director determines that a jail or local lockup has satisfactorily implemented risk reduction protocols and testing protocols, transfers from that jail or lockup will resume in accordance with those protocols.

(c) Jails and local lockups must provide documentation of each transferee’s testing history upon transfer. The Director may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.

(d) Parole violators in the Department’s custody must not be transported to or lodged in a county jail or local lockup unless the Director has determined that such county jail or local lockup has satisfactorily implemented both the risk reduction protocols described in section 2 and the testing protocols described in section 3.

2. Risk reduction protocols. The Department must implement risk reduction protocols to address COVID-19, including the following:

(a) Screening all persons arriving at or departing from a facility, including staff, inmates, vendors, and any other person entering the facility, in a manner consistent with guidelines issued by the Centers for Disease Control and Prevention (“CDC”). Such screening includes a temperature reading and obtaining information about travel and any contact with persons under investigation for COVID-19 infection.

(b) Isolating and testing any inmate who has one or more of the principal symptoms of COVID-19, including fever, sore throat, a new uncontrolled cough that causes difficulty breathing, diarrhea, vomiting, abdominal pain, new onset of a severe headache, and new loss of taste or smell.

(c) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.

(d) Coordinating with local public health departments on isolation plans and outbreak response.

(e) Notifying the local public health department of any suspected or confirmed case of COVID-19.

(f) Providing, to the fullest extent possible, appropriate personal protective equipment to all staff as recommended by the CDC.

(g) To the extent feasible, opening windows and doors, and using fans, to increase air circulation; considering taking additional steps to improve ventilation in the facility, in consultation with an HVAC professional, based on local environmental conditions.

(h) Conducting routine cleaning and sanitizing consistent with CDC guidance, as provided at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/index.html>.

(i) Ensuring access to personal hygiene products for inmates and correctional staff, including soap and water sufficient for regular handwashing.

(j) Ensuring that protective laundering protocols are in place.

(k) Posting signage and continually educating on the importance of social distancing, handwashing, and personal hygiene.

(l) Requiring inmates and staff to practice social distancing to the fullest extent feasible, and to wear facial coverings when maintaining six feet of social distance from persons housed separately is not possible.

(m) Minimizing crowding, including gatherings of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.

(n) During transport, ensuring that staff and inmates wear facial coverings and maintain appropriate social distance, including by reducing vehicle capacity.

3. Testing protocols. Consistent with guidance issued by the Michigan Department of Health and Human Services, the Department must conduct COVID-19 diagnostic testing in all of its facilities as follows (obtaining consent of the individual or other person legally authorized to make medical care decisions for the individual):

(a) Except as otherwise provided in this subsection, test all inmates entering a facility upon intake (within 24 hours), or in the 72 hours prior to intake. Although testing is recommended for all inmates entering a facility, this requirement does not apply to inmates held outside general population, housed in single cells (i.e. without other inmates), released within 24 hours, and provided with educational materials on the importance of testing and contact tracing.

(b) Test any inmate scheduled to be transferred to another facility, including a Department facility, within 72 hours prior to transfer.

(c) Test any inmate scheduled for release within 72 hours prior to release. If an inmate tests positive for COVID-19, that inmate must not be detained solely because of COVID-19 positive status, but must not be released into any other congregate settings if that inmate is in isolation protocol.

(d) In case of a sustained outbreak (any confirmed positive case identified within the last 14 days epidemiologically linked to another positive case within the same facility) or other high-risk situation, conduct ongoing testing coupled with contact tracing, in coordination with the local public health department.

(e) Isolate and medically manage any inmate who tests positive for COVID-19 as appropriate. Except for transfers to isolation units, to manage medical needs, or for exigent security reasons, inmates testing positive should not be transferred to another corrections facility or other congregate setting, unless they meet the following criteria:

- (1) At least 10 days have passed since symptom onset, except in cases in which infection-control experts recommend longer isolation (e.g., up to 20 days in severely immunocompromised persons), and;
- (2) At least 24 hours have passed since resolution of fever without the use of fever-reducing medications and;
- (3) Other symptoms have improved.

4. State assistance for expanded testing.

(a) The Department of Health and Human Services must provide direct assistance with testing supplies, specimen collection, and laboratory processing to jails and local lockups that request assistance, as resources permit. Jails and local lockups may submit requests for assistance to MDHHS-cjtestingrequests@michigan.gov.

(b) A jail or local lockup that receives assistance yet still cannot comply with the testing protocols described in section 3 due to delays in test processing time may request adjustments to the timing requirements of section 3, which the Director may grant in her sole discretion.

5. Early release. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act (“CJOA”), 1982 PA 325, MCL 801.51 et seq., is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA. Anyone authorized to act under this section is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:

- (a) Older people, people who have chronic conditions or are otherwise medically frail, people who are pregnant, and people nearing their release date.
- (b) Anyone who is incarcerated for a traffic violation.
- (c) Anyone who is incarcerated for failure to appear or failure to pay.
- (d) Anyone with behavioral health problems who can safely be diverted for treatment.

6. Reimbursement to counties. The State Budget Office must ensure that counties are reimbursed for lodging inmates who would have been transferred into the Department’s custody if not for the suspension of transfers.

7. Juvenile detention centers. Juvenile detention centers are strongly encouraged to reduce the risk that those at their facilities will be exposed to COVID-19 by implementing as feasible the following measures:

- (a) Adopting the risk reduction protocols and testing protocols described in sections 1 and 2.
- (b) Removing from the general population any juveniles who have COVID-19 symptoms.
- (c) Eliminating any form of juvenile detention or residential facility placement except for juveniles who are determined to be a substantial and immediate safety risk to themselves or others.
- (d) Providing written and verbal communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support.

(e) To the fullest extent possible, facilitating access to family, education, and legal counsel through electronic means (such as telephone calls or video conferencing) at no cost, rather than through in-person meetings.

8. Juveniles on court-ordered probation. Unless otherwise directed by court order, for juveniles on court-ordered probation, the use of out-of-home confinement for technical violations of probation and any requirements for in-person meetings with probation officers are temporarily suspended.

9. Effective Date. This order is effective immediately and continues through September 30, 2020 at 11:59 p.m.

10. Effects on prior orders.

- (a) Executive Order 2020-146 is rescinded.
- (b) The Prescription Drug Task Force created by Executive Order 2020-1 must complete its work and submit a final report to the governor detailing its findings and recommendations by January 31, 2021.

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

Date: August 15, 2020
Time: 11:18 a.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

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

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

Senator Victory introduced
Senate Bill No. 1053, entitled

A bill to amend 1976 PA 225, entitled “An act to defer the collection of special assessments on homestead properties; to provide for conditions of eligibility for such a deferment; to prescribe the powers and duties of the department of treasury, local assessing officers, and local collecting officers; to provide for the advancement of moneys by the state to indemnify special assessment districts for losses from deferment of collections; to provide for the advancement of money by the state to an owner for the repayment of loans used by the owner to pay special assessments; to provide for the collection of deferred special assessments and interest thereon, and the disposition of these collections; to make an appropriation; and to prescribe penalties,” by amending section 2 (MCL 211.762), as amended by 1980 PA 403.

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

Senators Schmidt and Bumstead introduced
Senate Bill No. 1054, entitled

A bill to amend 1897 PA 230, entitled “An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce,” by amending the title and sections 3, 9, 10, and 23 (MCL 455.3, 455.9, 455.10, and 455.23), the title and section 3 as amended by 1982 PA 117.

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

Senator Nesbitt introduced
Senate Bill No. 1055, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending sections 105 and 121 (MCL 389.105 and 389.121), as amended by 2012 PA 495.

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

Senator Runestad introduced
Senate Bill No. 1056, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78k (MCL 211.78k), as amended by 2020 PA 33.

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

Senator VanderWall introduced
Senate Bill No. 1057, entitled

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 408 (MCL 333.27408).

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

Senators Wojno and VanderWall introduced

Senate Bill No. 1058, entitled

A bill to amend 2016 PA 281, entitled “Medical marihuana facilities licensing act,” by amending section 102 (MCL 333.27102), as amended by 2019 PA 3.

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

Senator Lucido introduced

Senate Bill No. 1059, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 2 and 2a (MCL 28.422 and 28.422a), section 2 as amended by 2015 PA 200 and section 2a as amended by 2016 PA 301.

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

Senator Chang introduced

Senate Bill No. 1060, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.285) by adding section 64b.

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

Senator Chang introduced

Senate Bill No. 1061, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” (MCL 791.201 to 791.285) by adding section 64a.

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

Senator Bayer introduced

Senate Bill No. 1062, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6 and 101 (MCL 388.1606 and 388.1701), as amended by 2019 PA 58.

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

Senator Hollier introduced

Senate Bill No. 1063, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 3 (MCL 15.263), as amended by 2018 PA 485.

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

Senator Hollier introduced

Senate Bill No. 1064, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2018 PA 637.

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

Senator Hollier introduced

Senate Bill No. 1065, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 223 (MCL 750.223), as amended by 2012 PA 242, and by adding section 223a.

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

Senator Bumstead introduced

Senate Bill No. 1066, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 29d (MCL 125.2029d), as amended by 2011 PA 291.

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

Senator Hertel introduced

Senate Bill No. 1067, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 303a (MCL 436.1303a), as added by 2018 PA 155.

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

Senator Hertel introduced

Senate Bill No. 1068, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11550 and 16908 (MCL 324.11550 and 324.16908), section 11550 as amended by 2018 PA 640 and section 16908 as amended by 2014 PA 543.

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

Senator Hollier introduced

Senate Bill No. 1069, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 5b (MCL 28.725b), as amended by 2011 PA 17.

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

Senator Hollier introduced

Senate Bill No. 1070, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 819 (MCL 257.819), as amended by 2016 PA 280.

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

Senator Hollier introduced

Senate Bill No. 1071, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 2018 PA 473.

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

Recess

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

The motion prevailed, the time being 12:05 p.m.

12:26 p.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

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

House Bill No. 5911

The motion prevailed.

The following bill was read a third time:

House Bill No. 5911, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 21f (MCL 388.1621f), as amended by 2018 PA 265.

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. 264

Yeas—24

Ananich	Horn	MacGregor	Schmidt
Barrett	Johnson	McBroom	Shirkey
Bizon	LaSata	McCann	Stamas
Brinks	Lauwers	Nesbitt	Theis
Daley	Lucido	Outman	VanderWall
Hertel	MacDonald	Runestad	Victory

Nays—14

Alexander	Chang	McMorrow	Santana
Bayer	Geiss	Moss	Wojno
Bullock	Hollier	Polehanki	Zorn
Bumstead	Irwin		

Excused—0

Not Voting—0

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 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 make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5912, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2019 PA 58.

The question being on the passage of the bill,
Senator Chang offered the following amendment:

1. Amend page 7, line 2, after “**district.**” by striking out the balance of the line through “**75%.**” on line 7.
The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 265

Yeas—23

Ananich	Horn	MacGregor	Shirkey
Barrett	Johnson	McCann	Stamas
Bizon	LaSata	Nesbitt	Theis
Brinks	Lauwers	Outman	VanderWall
Daley	Lucido	Runestad	Victory
Hertel	MacDonald	Schmidt	

Nays—15

Alexander	Chang	McBroom	Santana
Bayer	Geiss	McMorrow	Wojno
Bullock	Hollier	Moss	Zorn
Bumstead	Irwin	Polehanki	

Excused—0

Not Voting—0

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 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 make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Chang’s statement is as follows:

I rise to offer an amendment that would eliminate the funding penalties associated with the 75 percent two-way interaction goal. While I believe wholeheartedly that interaction between pupils and their teachers is of course vitally important to ensure learning is happening, the bill as written is disconnected from the reality we are facing—families without internet; children and teachers who may get infected with COVID and spend long periods of time in the hospitals or quarantine; families without caregivers to ensure that children can get online; families without reliable access to a phone or the same consistent phone number. We cannot ignore these realities.

In Detroit, my own home school district where my daughter will be entering kindergarten in a few short weeks, administrators have had a hard time even reaching families by email, phone, and door-to-door to find out if they're selecting in-person or remote and virtual learning. How can we penalize these educators for simply doing their best by taking away their funding? I am extremely concerned that we would pursue penalizing districts that have the most vulnerable children and families by taking away money based on unrealistic expectations during a school year that is unlike any other in history. We should of course continue working towards as much two-way interaction as possible as a goal, but at the same time must recognize the immense challenges that our districts, our families, and communities are facing during this pandemic. I encourage you to support my amendment.

The following bill was read a third time:

House Bill No. 5913, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 6a, 11p, 104, 201c, and 236g (MCL 388.1606, 388.1606a, 388.1611p, 388.1704, 388.1801c, and 388.1836g), sections 6 and 104 as amended by 2020 PA 146, section 6a as amended by 2007 PA 137, and sections 11p, 201c, and 236g as added by 2020 PA 146, and by adding section 98a.

The question being on the passage of the bill,

Senator Geiss offered the following amendments:

1. Amend page 35, line 16, after "**re-confirmed.**" by striking out "**Thirty days**" and inserting "**At the start of the first quarter, trimester, or semester, as applicable.**".
2. Amend page 35, line 17, after "**and**" by inserting "**at the start of**".
3. Amend page 35, line 17, after "**every**" by striking out "**30 days**" and inserting "**quarter, trimester, or semester, as applicable.**".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Polehanki offered the following amendments:

1. Amend page 43, line 26, after "**(8)**" by striking out the balance of the line through "**meet**" on line 27 and inserting "**A district may accomplish**".
2. Amend page 43, line 27, after "**following**" by striking out "**requirements:**" and inserting a colon.
3. Amend page. 43, line 29, after "**district**" by striking out "**shall**" and inserting "**may**".
4. Amend page 44, line 7, after "**district**" by striking out "**shall**" and inserting "**may**".
5. Amend page 44, line 19, after "**subsection**" by striking out "**(14)**" and inserting "**(13)**".
6. Amend page 45, line 6, after "**assessments**" by striking out "**toward meeting the requirement under**" and inserting "**for the purposes of**".
7. Amend page 45, line 21, by striking out all of subsection (12) and renumbering the remaining subsections.

The question being on the adoption of the amendments,

Senator Chang requested the yeas and nays.

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

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

Roll Call No. 266

Yeas—17

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

Nays—21

Barrett	LaSata	Nesbitt	Stamas
Bizon	Lauwers	Outman	Theis
Bumstead	Lucido	Runestad	VanderWall

Daley
Horn
Johnson

MacDonald
MacGregor

Schmidt
Shirkey

Victory
Zorn

Excused—0

Not Voting—0

In The Chair: President

Senator Irwin offered the following amendment:

1. Amend page 48, following line 11, by inserting:

“Sec. 104c. (1) ~~In-Except as otherwise provided in this subsection, in~~ order to receive state aid under this article, a district shall administer the state assessments described in this section. **However, subject to federal law, a district is not required to administer the state assessments described in this section in the 2020-2021 school year to receive state aid under this article.**

(2) For the purposes of this section, the department shall develop and administer the Michigan student test of educational progress (M-STEP) assessments in English language arts and mathematics. These assessments shall be aligned to state standards.

(3) For the purposes of this section, the department shall implement a summative assessment system that is proven to be valid and reliable for administration to pupils as provided under this subsection. The summative assessment system must meet all of the following requirements:

(a) The summative assessment system must measure student proficiency on the current state standards, must measure student growth for consecutive grade levels in which students are assessed in the same subject area in both grade levels, and must be capable of measuring individual student performance.

(b) The summative assessments for English language arts and mathematics must be administered to all public school pupils in grades 3 to 11, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(c) The summative assessments for science must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(d) The summative assessments for social studies must be administered to all public school pupils in at least grades 5 and 8, including those pupils as required by the federal individuals with disabilities education act, Public Law 108-446, and by title I of the federal every student succeeds act (ESSA), Public Law 114-95.

(e) The content of the summative assessments must be aligned to state standards.

(f) The pool of questions for the summative assessments must be subject to a transparent review process for quality, bias, and sensitive issues involving educator review and comment. The department shall post samples from tests or retired tests featuring questions from this pool for review by the public.

(g) The summative assessment system must ensure that students, parents, and teachers are provided with reports that convey individual student proficiency and growth on the assessment and that convey individual student domain-level performance in each subject area, including representative questions, and individual student performance in meeting state standards.

(h) The summative assessment system must be capable of providing, and the department shall ensure that students, parents, teachers, administrators, and community members are provided with, reports that convey aggregate student proficiency and growth data by teacher, grade, school, and district.

(i) The summative assessment system must ensure the capability of reporting the available data to support educator evaluations.

(j) The summative assessment system must ensure that the reports provided to districts containing individual student data are available within 60 days after completion of the assessments.

(k) The summative assessment system must ensure that access to individually identifiable student data meets all of the following:

(i) Is in compliance with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(ii) Except as may be provided for in an agreement with a vendor to provide assessment services, as necessary to support educator evaluations pursuant to subdivision (i), or for research or program evaluation purposes, is available only to the student; to the student’s parent or legal guardian; and to a school administrator or teacher, to the extent that he or she has a legitimate educational interest.

(l) The summative assessment system must ensure that the assessments are pilot tested before statewide implementation.

(m) The summative assessment system must ensure that assessments are designed so that the maximum total combined length of time that schools are required to set aside for a pupil to answer all test questions on all assessments that are part of the system for the pupil’s grade level does not exceed that maximum total combined length of time for the previous statewide assessment system or 9 hours, whichever is less. This subdivision does not limit the amount of time a district may allow a pupil to complete a test.

(n) The total cost of executing the summative assessment system statewide each year, including, but not limited to, the cost of contracts for administration, scoring, and reporting, must not exceed an amount equal to 2 times the cost of executing the previous statewide assessment after adjustment for inflation.

(o) Beginning with the 2017-2018 school year, the summative assessment system must not require more than 3 hours in duration, on average, for an individual pupil to complete the combined administration of the math and English language arts portions of the assessment for any 1 grade level.

(p) The summative assessments for English language arts and mathematics for pupils in grades 8 to 10 must be aligned to the college entrance test portion of the Michigan merit examination required under section 104b.

(4) The department shall offer benchmark assessments in the fall and spring of each school year to measure English language arts and mathematics in each of grades K to 2. Full implementation must occur not later than the 2019-2020 school year. These assessments are necessary to determine a pupil’s proficiency level before grade 3 and must meet the requirements under section 104d(4).

(5) This section does not prohibit districts from adopting interim assessments.

(6) As used in this section, “English language arts” means that term as defined in section 104b.”.

The question being on the adoption of the amendment,

Senator Chang requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 267

Yeas—17

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

Senator Irwin offered the following amendment:

1. Amend page 3, line 22, after “**district,**” by striking out the balance of the line through “**times**” on line 25 and inserting “**the greater of the district’s, public school academy’s, intermediate district’s, or community district’s 2019-2020 membership as calculated under this section in 2019-2020 or**”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Chang offered the following amendments:

1. Amend page 37, line 15, after “its” by striking out “weekly” and inserting “monthly”.
 2. Amend page 37, line 19, after “each” by striking out “month” and inserting “quarter”.
- The amendments were not adopted, a majority of the members serving not voting therefor.

Senator McMorrow offered the following amendment:

1. Amend page 36, line 19, after “metrics.” by inserting “**The local public health department is responsible for providing public health data used in these metrics and determining if they provide sufficient protection for students and school personnel in the districtwide guidelines.**”.

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 268

Yeas—23

Ananich	Horn	MacGregor	Shirkey
Barrett	Johnson	McCann	Stamas
Bizon	LaSata	Nesbitt	Theis
Brinks	Lauwers	Outman	VanderWall
Daley	Lucido	Runestad	Victory
Hertel	MacDonald	Schmidt	

Nays—15

Alexander	Chang	McBroom	Santana
Bayer	Geiss	McMorrow	Wojno
Bullock	Hollier	Moss	Zorn
Bumstead	Irwin	Polehanki	

Excused—0

Not Voting—0

In The Chair: President

Senator MacGregor moved that the bill be given immediate effect.

The motion prevailed, 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 make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protests

Senators Geiss, Wojno, Alexander, Santana and Hollier, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 5911, 5912, and 5913.

Senator Geiss' statement, in which Senators Wojno, Alexander, Santana and Hollier concurred, is as follows:

I rise to give my “no” vote explanation on the bills that were just before us.

While I appreciate the efforts to find a safe way to ensure the best possible health and outcomes for our students, teachers, faculty, and parents, while delivering the education needs of our students, the legislation that we just passed does not do that for the people of my district—the people who sent me here to this very chamber to be their voice for them, the people who have been saying loud and clear that they are trying their best to make sure students learn in the difficult days ahead—and during an already global pandemic—that none of us have ever experienced before—they are begging us to not add more tasks and tracking benchmarks on top of what exists, particularly when they are already trying to do more with less and with less-than-adequate funding, and who, in many cases, spent the summer examining how spring went and planned intensely for how to educate our students amidst the pandemic.

We know these are tough and unusual times and those who need the most support even in non-pandemic times—whether they are adults or children—need even more support now. The bottom line is this, Our schools need better funding. In fact, they needed it months ago and our administrators have been waiting for it. They told us what they needed and we're here offering them much less than that. And yes, this bill package offers some flexibility, makes adjustments for academic year 2020-2021—which for most districts begins in just 24 days—but while giving flexibility, it simultaneously requires additional hurdles and unnecessary administrative gymnastics that further complicate and muddle life in COVID-19-era education.

Our schools don't need last-minute strings attached, complete with a litany of requirements that blindly assume every district across the state has the same financial backing, stability, and support systems in place to assure the best successes. Our educational leaders called upon legislators to bring them into the fold when these options were discussed, yet here we are—a day late and a dollar short—pushing through a mediocre proposal for the sake of saying it was done.

We expect excellence from our schools. We owe them excellence, not mediocrity, and I simply could not support something that falls short of the mark on meeting the needs of our educational communities, and one that is so incredibly tardy that it probably should get detention.

I voted “no” on this package, and I wanted to make sure that was in the record.

Senators Geiss, Polehanki, Theis, Irwin, Chang and McMorrow asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Geiss' statement is as follows:

In the attempt to provide districts with flexibility, this bill has managed to add reporting requirements that are so frequent, they would serve to bog down the ability of school districts to meet the required deliverables. Monthly reporting and reconfirming of pandemic learning plans is too frequent. My amendment would not remove the reporting requirements, but simply align the reporting to the manner in which a school or school district has already subdivides its academic year, whether that subdivision is by quarters, trimesters, or semesters, and would be due at the start of each of the district's subdivisions.

Senator Polehanki's statement is as follows:

I rise to ask my colleagues to vote “yes” on my amendment to House Bill No. 5913. This amendment removes the requirement that benchmark testing be made mandatory for the upcoming school year and removes any requirement that benchmark test scores be reported to the state.

As we know, local school districts have been given the flexibility to choose how instruction will be delivered and many have chosen to start online. And depending on the course of COVID-19, health and safety needs may keep students online for an indeterminate period of time. While benchmark assessments can be useful to drive instruction and monitor student progress when administered in controlled testing situations like in a computer lab with a proctor, they are not designed to be taken from home because academic integrity can't be ensured, rendering any report the state may create from tests taken from home as useless.

Benchmark tests take multiple class periods to administer for each subject and they are untimed. To add yet another standardized test onto kids' plates in the first new school year during COVID-19, to ask students and teachers to participate in what would amount to a weeks-long exercise in futility—especially when what they're yearning for is meaningful instruction time with each other—to ask students and teachers to do that is unfair.

For these reasons, I ask my colleagues to vote “yes” on my amendment.

Senator Theis' statement is as follows:

I very much appreciate where the good Senator is coming from with respect to the benchmark tests.

I would argue that it is extraordinarily necessary that every single school know exactly where the students are as they go to start teaching them. We are in unprecedented times. They have no idea what has been learned or lost since we left for COVID.

There are even proctoring organizations that are professional organizations to oversee these to make sure that the tests are accurate. We have been going online nationally. This is not new. This is something that is absolutely essential. I would consider it educational malfeasance if we didn't know where our children were, as we were trying to begin education for them for this year. It is essential that we have the benchmark tests.

I ask that we vote "no" on the amendment.

Senator Irwin's first statement is as follows:

I rise to ask my colleagues to support my amendment to House Bill No. 5913 because over the course of the last couple of decades I'm sure you all know that the amount of money that we have actually allocated to our schools is 25 percent less in inflation-adjusted dollars. And what the Legislature has been doing recently is that we've been replacing the resources that we used to give to schools with more and more accountability measures; more and more box-checking exercises; more and more administrative work for the schools to do which distracts from the critical and important job of instructing students and learning.

So what my amendment does is it seeks to provide flexibility around this odd year and say that we're not going to do the M-STEP assessment this year. We know this is an odd year. We know we're facing a pandemic. We know that our schools have been dealing with the chaos of inaction from this Legislature and I think it would be a great benefit to our schools to give them a little bit more flexibility and to allow them to know that they're not going to have to dominate their computer labs with even more testing because the Legislature has said we're going to take a year off of M-STEP. So that's what I'm proposing. I appreciate your support.

Senator Irwin's second statement is as follows:

This amendment would allow our districts to use last year's student count for their per-pupil count. I don't know if all of you have been in contact with your superintendents and your school leaders, but I know that I have. One of the things that my school leaders have been saying—both from board members to superintendents—is that we want to get back to learning and to instruction. We want less administrative burden from the Legislature. This is going to be an odd and difficult year already. Please don't send us into an administrative nightmare of trying to track down students online and properly report all that data when it would be much easier to use the count from last year. Let's take advantage of the administrative efficiencies offered by this amendment and give our schools a little bit more clarity, certainty, and ease in reporting their student counts.

Senator Chang's statement is as follows:

I think we all recognize the incredible challenges and unprecedented hard decisions that our school boards and superintendents have had to make during the past few months. My amendment would change the burdensome requirement to post and announce every month the weekly two-way interaction rates. Instead of posting and reporting these weekly interaction rates on a monthly basis, through my amendment we would be posting and reporting the monthly interaction rates on a quarterly basis. This is much more reasonable for our districts and our school boards to handle amidst all of the health precautions, virtual and remote learning that's being set up, and all the other things that they've never had to do to this degree before. We have enough challenges during this pandemic. Let's allow our education professionals to do their work and spend time working with our kids and families through this confusing and traumatic time without unnecessarily burdensome requirements.

Senator McMorrow's statement is as follows:

I offer an amendment today that's very, very simple and straightforward. In both the executive order and this bill there is the requirement that school districts work in coordination with public health departments when putting together their plans for reopening. But in practice that hasn't gone as smooth as people would like because as you can imagine, like all of us, our school administrators and our school board members are not themselves public health experts. So when they receive data and information and numbers and trends on cases, they're not entirely sure how to interpret that data in the right way. So they have said, in no uncertain terms, we feel a huge weight of responsibility for all of our staff, all of our teachers, all of the students who are coming in, and as we look around the country at schools who are reopening in places like Georgia and are suddenly having to shut down, I think everybody wants to avoid unnecessary disruptions to peoples'

lives. So all this amendment would do would clarify that the public health department is required for providing the data and the analysis and interpretation of that data so that school districts can make an informed decision when they're putting their plans together on making sure they're plans are safe for everybody involved.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on the COVID-19 Pandemic (HCR 20) submitted the following:
Meeting held on Thursday, August 13, 2020, at 9:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schmidt, Hollier and Hertel
Excused: Senators Nesbitt and LaSata

Scheduled Meetings

COVID-19 Pandemic Joint Select - Thursday, August 13, 9:00 a.m., Room 352, House Appropriations Room, 3rd Floor, Capitol Building (517) 373-5795

Senator MacGregor moved that the Senate adjourn.
The motion prevailed, a majority of the members serving voting therefor, the time being 12:57 p.m.

Pursuant to House Concurrent Resolution No. 28, the President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, September 1, 2020, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate