

No. 4
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Wednesday, January 18, 2023.

10:00 a.m.

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

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

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

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

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

Senator Joseph N. Bellino, Jr. of the 16th District offered the following invocation:

O God, we thank You for the august privilege of serving in this chamber. We thank You for the power You give us to do the right things for the state of Michigan. And God, I offer myself to Thee—to build with me and to do as Thou wilt. Relieve me of the bondage of self, that I may better do Your will. Take away my difficulties, that victory over them may bear witness to show those that I can help, and show me a good way of life. I do this in Your name. Amen.

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

Senator Outman entered the Senate Chamber.

Motions and Communications

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

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

January 13, 2023

Enclosed is a copy of the following reports:

- Report on Internal Control, Compliance, and Other Matters on the State of Michigan 401K Plan (071-0156-23).
- Report on Internal Control, Compliance, and Other Matters on the State of Michigan 457 Plan (071-0157-23).

Sincerely,
Doug Ringler
Auditor General

The audit reports were referred to the Committee on Oversight.

The following communication was received:
Office of Senator Rosemary Bayer

January 17, 2023

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bill 12 by Senator Polehanki on January 12th, 2023.

Sincerely,
Rosemary K. Bayer
13th Senate District
State Senator

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 3.

A concurrent resolution prescribing the Joint Convention Rules for the Legislature.

(For text of resolution, see Senate Journal No. 1, p. 29.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 4.

A concurrent resolution providing for a joint convention of the Senate and House of Representatives.

(For text of resolution, see Senate Journal No. 1, p. 30.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senator Anthony offered the following concurrent resolution:

Senate Concurrent Resolution No. 5.

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

Whereas, The *Constitution of the State of Michigan of 1963* provides in Article XI, Section 5:

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

; and

Whereas, Agreements were reached between the state and the Michigan Corrections Organization, AFSCME Council 25, the Michigan State Employees Association, the Service Employees International Union Local 517M Scientific and Engineering Unit, the Service Employees International Union Local 517M Technical Unit, the UAW International and its Local 6000 to increase rates of compensation for exclusively represented positions in certain classifications; and

Whereas, On July 25 and December 19, 2022, the Civil Service Commission approved the agreements, and also approved increases in the rates of compensation for non-exclusively represented positions in certain classifications, past the time when the Governor could transmit the increases as part of the budget; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, the Michigan Legislature waives the prior notice requirement to permit increases in rates of compensation as described in the approved agreements between the state and exclusive representatives for exclusively represented positions, and as approved by the Civil Service Commission for non-exclusively represented positions; and be it further

Resolved, That copies of this resolution be transmitted to the Civil Service Commission.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Singh moved that the rule be suspended.

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

The resolution was adopted, a majority of the members serving voting therefor.

Senators Bayer, Brinks, Camilleri, Cavanagh, Chang, Cherry, Geiss, Irwin, Klinefelt, McCann, McMorrow, Moss, Polehanki, Santana, Shink and Singh were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Singh moved that the Committee on Appropriations be discharged from further consideration of the following bills:

Senate Bill No. 7, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2022 and September 30, 2023; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Senate Bill No. 8, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 236 as amended by 2022 PA 212, section 17b as amended by 2007 PA 137, and section 201 as amended by 2022 PA 144, and by adding sections 201f and 236m.

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

Senator Singh 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:

Senate Bill No. 7

Senate Bill No. 8

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

Recess

Senator Singh moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:31 a.m.

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

General Orders

Senator Singh 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 Albert 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 with a substitute therefor, the following bill:

Senate Bill No. 7, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2022 and September 30, 2023; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

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

Senate Bill No. 8, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 236 as amended by 2022 PA 212, section 17b as amended by 2007 PA 137, and section 201 as amended by 2022 PA 144, and by adding sections 201f and 236m.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 7

Senate Bill No. 8

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

The following bill was read a third time:

Senate Bill No. 7, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal years ending September 30, 2022 and September 30, 2023; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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. 5**Yeas—20**

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

Nays—17

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

Excused—1

McBroom

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Albert, Theis, Daley and Bellino, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 7.

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

The motion prevailed.

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

The process used for Senate Bill Nos. 7 and 8 before us today was disgraceful. These appear to be book-closing bills that have been in the works for some time, yet we are finding out about them only in the last minute. It is not hard to schedule a committee hearing, and in this case we most definitely should have had one. Michigan taxpayers and residents deserve more transparency than this. Sometimes appropriations bills must be handled in a relative hurry—I understand that—but in this case there is no reason for the bills to be rushed for a vote today. I realize this may not be the final version of the appropriations bills, but still the process could have been better and they should have been handled in a better manner. I ask for a “no” vote.

Senator Bellino’s statement is as follows:

Mr. President, last week there were a lot of press releases, tweets, and social media posts from my colleagues across the aisle about finally lowering taxes on inflation-weary Michiganders, as if this idea wasn’t voted on a few times last year. But here we are again today, and what are the first real votes of this new Democratic majority? Bills spending more of the people’s money, not bills giving money back to the people. Unlike these spending bills, the bills that cut taxes for some people at least over a four-year period are going through the committee process for further discussion. These spending bills, meanwhile, are

apparently on the fast track. No time for questions when you’ve got \$9 billion burning a hole in your pocket, I guess. Now I know there’s some worthwhile appropriations in this bill, but the message it sends is that Democrats are in a rush to spend the people’s money instead of a rush to put more money back into people’s pockets, and this is one bill I cannot support. I urge your “no” vote.

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

The motion prevailed.

Senator Anthony’s statement is as follows:

You know, it’s just been over a week since we started this legislative term, and as the newly-appointed Senate Appropriations Committee chair what I’ve learned is that there were weeks and weeks and months in which the Republicans who were in control last term did not finish the job. There are many things on the balance sheet that need to be cleaned up, and closing the books is something we’ve done year after year in this chamber. So, today I ask our colleagues to vote “yes” in order to begin our appropriations process by cleaning up the work that didn’t get done last term.

The following bill was read a third time:

Senate Bill No. 8, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 22b, 31f, 39a, 51a, 51c, 53a, 54, and 147c (MCL 388.1611, 388.1622b, 388.1631f, 388.1639a, 388.1651a, 388.1651c, 388.1653a, 388.1654, and 388.1747c), sections 11 and 51a as amended by 2022 PA 212 and sections 22b, 31f, 39a, 51c, 53a, 54, and 147c as amended by 2022 PA 144.

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. 6

Yeas—20

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

Nays—17

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

Excused—1

McBroom

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator McBroom introduced
Senate Bill No. 23, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6 and 11 (MCL 388.1606 and 388.1611), section 6 as amended by 2022 PA 144 and section 11 as amended by 2022 PA 212, and by adding section 61e.

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

Senator Damoose introduced
Senate Bill No. 24, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 301a (MCL 206.301a), as added by 2021 PA 8.

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

Senators Bayer, Moss, Geiss, Cherry, Wojno, Santana, Chang, McMorrow, McDonald Rivet, Irwin, Hertel, Shink, Klinefelt and Cavanagh introduced

Senate Bill No. 25, entitled

A bill to require all state departments and agencies to establish certain water affordability criteria; and to prescribe the powers and duties of certain state and local governmental officers and entities.

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

Senators Chang, Wojno, Geiss, Bayer, Anthony and Shink introduced

Senate Bill No. 26, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5534.

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

Senators Anthony, Wojno, Geiss, Cavanagh, Singh and Chang introduced

Senate Bill No. 27, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406z.

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

Senators Anthony, Wojno, Geiss, Cavanagh, Singh and Chang introduced

Senate Bill No. 28, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 700 and 740 (MCL 330.1700 and 330.1740), as amended by 1995 PA 290; and to repeal acts and parts of acts.

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

Senators Anthony, Wojno, Geiss, Cavanagh, Singh and Chang introduced

Senate Bill No. 29, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1586a.

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

Announcements of Printing and Enrollment

The Secretary announced that the following bill was printed and filed on Tuesday, January 17, and is available on the Michigan Legislature website:

House Bill No. 4018

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

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, January 19, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate