

No. 23
STATE OF MICHIGAN
Journal of the Senate
102nd Legislature
REGULAR SESSION OF 2023

Senate Chamber, Lansing, Tuesday, March 7, 2023.

10:00 a.m.

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

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

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

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

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

Senator Sue Shink of the 14th District offered the following invocation:

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy.

Divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. It is in giving that we receive; it is in pardoning that we are pardoned. Amen.

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

Motions and Communications

Senator Singh moved that Senator Geiss be temporarily excused from today’s session. The motion prevailed.

The following communications were received and read:
Office of the Senate Majority Leader

March 2, 2023

Pursuant to rule 3.203(c) I reassign Senate Bills 129-132 to the Committee on Housing and Human Services.

March 2, 2023

Pursuant to rule 3.203(c) I reassign Senate Bills 137 and 138 to the Committee on Housing and Human Services.

Sincerely,
Winnie Brinks
District 29

The communications were referred to the Secretary for record.

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

March 2, 2023

Enclosed is a copy of the following report:

- Report on internal control over financial reporting of the State of Michigan Postemployment Life Insurance Benefit Plan’s schedule of employer allocations and schedule of other postemployment benefit amounts by employer (071-0168-22).

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Oversight.

Senator Singh moved that the following resolutions, now on the order of Resolutions, be referred to the Committee on Natural Resources and Agriculture:

Senate Resolution No. 15.

A resolution to urge the United States Congress to allocate \$425 million for the Great Lakes Restoration Initiative in the Fiscal Year 2024 budget.

Senate Concurrent Resolution No. 6.

A concurrent resolution to urge the United States Congress to allocate \$425 million for the Great Lakes Restoration Initiative in the Fiscal Year 2024 budget.

The motion prevailed.

Senator Singh moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 18

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 10:04 a.m.

10:57 a.m.

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

During the recess, Senator Geiss entered the Senate Chamber.

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

Senators McMorrow, Irwin, Wojno, Singh, Chang, Polehanki, Klinefelt, Santana, Shink, Cavanagh and Bayer introduced

Senate Bill No. 140, entitled

A bill to require employers to disclose family leave policies to employees and potential employees; to provide for the powers and duties of certain state and local governmental officers and entities; and to prohibit failing to disclose family leave policies and prescribe civil sanctions.

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

Senators McMorrow, Moss, Irwin, Webber, Huizenga, Wojno, Polehanki, Chang, Hoytenga, Klinefelt, Singh, Santana, Shink and Bayer introduced

Senate Bill No. 141, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537a (MCL 436.1537a), as amended by 2021 PA 64.

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

Senators McMorrow, Irwin, Chang, Polehanki, Singh, Santana and Shink introduced

Senate Bill No. 142, entitled

A bill to amend 1978 PA 397, entitled "Bullard-Plawecki employee right to know act," (MCL 423.501 to 423.512) by amending the title and by adding section 9a.

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

Senators McMorrow, Irwin, Wojno, Chang, Polehanki, Singh, Klinefelt, Santana, Shink and Cavanagh introduced

Senate Bill No. 143, entitled

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending section 4a (MCL 445.774a), as added by 1987 PA 243.

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

Senators McDonald Rivet, Polehanki, Camilleri, McMorrow, Irwin, Cavanagh, Singh, Chang, Klinefelt, Shink, Cherry, Santana, Bayer, Hertel and Anthony introduced

Senate Bill No. 144, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.847) by adding section 272a.

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

Senators Outman, Wojno, Santana, Klinefelt, Chang and Huizenga introduced

Senate Bill No. 145, entitled

A bill to create the Michigan public safety citizen communications system modernization program; to provide for the use of certain systems; to create the Michigan public safety citizen communications system modernization fund and provide for the distribution of money from the fund; to provide for appropriations; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Senators Wojno, Outman, Santana, Klinefelt, Chang and Huizenga introduced

Senate Bill No. 146, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," (MCL 780.751 to 780.834) by adding section 3a.

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

Senator Geiss introduced

Senate Bill No. 147, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 201 and 202 (MCL 37.2201 and 37.2202), section 201 as amended by 1980 PA 202 and section 202 as amended by 2009 PA 190.

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

Senators Polehanki, Hertel, McMorrow, Bayer, Cavanagh, Shink, Wojno, Klinefelt, McCann and Chang introduced

Senate Bill No. 148, entitled

A bill to amend 1969 PA 224, entitled "An act to license and regulate dealers in and research facilities using dogs and cats for research purposes; and to repeal certain acts and parts of acts," by amending section 12 (MCL 287.392) and by adding sections 11a and 12a.

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

Senators Hertel, Polehanki, McMorrow, Cavanagh, Shink, Wojno, Klinefelt, McCann, Chang, Bayer and Anthony introduced

Senate Bill No. 149, entitled

A bill to amend 1969 PA 224, entitled "An act to license and regulate dealers in and research facilities using dogs and cats for research purposes; and to repeal certain acts and parts of acts," by amending the title and sections 1 and 7 (MCL 287.381 and 287.387) and by adding section 8a.

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

House Bill No. 4006, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing sections 14 and 15 (MCL 750.14 and 750.15).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Singh moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4032, entitled

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Singh moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of

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 Damoose 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:

Senate Bill No. 35, entitled

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

Senate Bill No. 18, entitled

A bill to amend 2003 PA 225, entitled “An act to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan; to designate July 14 of each year as President Gerald R. Ford day in the state of Michigan; and to designate July 30 of each year as Henry Ford day in the state of Michigan,” (MCL 435.301 to 435.303) by amending the title and by adding section 4.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 63, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1212 (MCL 380.1212), as amended by 2016 PA 319.

The question being on the passage of the bill,

Senator Theis offered the following amendment:

1. Amend page 3, line 5, after “years.” by inserting “**For a sinking fund tax authorized on or after the effective date of the amendatory act that added this sentence, the sinking fund tax may be levied each year for a period not to exceed either of the following, whichever is less:**

(i) The life of the authorized purpose for which the tax was levied.

(ii) 60 months.”.

The question being on the adoption of the amendment,

Senator Lauwers requested the yeas and nays.

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

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

Roll Call No. 33

Yeas—17

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

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. 34**Yeas—28**

Anthony	Cherry	Klinefelt	Outman
Bayer	Daley	Lindsey	Polehanki
Bellino	Damoose	McBroom	Santana
Brinks	Geiss	McCann	Shink
Camilleri	Hertel	McDonald Rivet	Singh
Cavanagh	Huizenga	McMorrow	Webber
Chang	Irwin	Moss	Wojno

Nays—10

Albert	Hoitenga	Nesbitt	Theis
Bumstead	Johnson	Runestad	Victory
Hauck	Lauwers		

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Theis’ statement is as follows:

My amendment is very simple. One of the fundamental aspects of good financial policy is to not borrow beyond the life expectancy of the thing we are buying. Historically, Treasury has looked at this and they made useful life limitations. My amendment simply requires that we not tax our population beyond the useful life of the item for which we are purposing the tax, or five years, whichever is less. Now, schools might have issue with the five years because of the opportunity that they have for taxation, but they can always go out on the fourth year to renew the millage if they think it needs to keep going and let the people actually address this new tax that they’re going to be assessed. Thank you and I ask for a “yes” vote on this amendment.

Senator Polehanki’s first statement is as follows:

The Theis amendment takes away local control from voters and local leaders who are quite capable of deciding as a community how long their sinking fund proposals should be. I urge a “no” vote.

Senator Polehanki’s second statement is as follows:

I’m happy to speak in favor of my bill, Senate Bill No. 63, which has bipartisan support coming out of committee. The bill is simple—it gives flexibility to Michigan’s public schools to allow for sinking fund ballot language to include school bus purchases and some types of bus maintenance. Sinking funds are voter-approved measures that allow for the purchase of real estate, construction or repair of school buildings, school security improvements, or the acquisition or upgrading of technology. When a school district asks voters to approve or renew its sinking funds, voters within the borders of a school district will be able to decide whether to support the measure for their community.

Educators have asked for this flexibility, which is why I chose to sponsor this bill. I agree with them that more flexibility is needed for all districts, and in particular, districts in rural areas whose buses experience more wear and tear based on longer distances traveled. Buses in rural districts can traverse four or five times the average mileage of suburban or urban districts. It’s my hope that we can pass this legislation in a timely manner because school districts that have upcoming ballot measures would benefit from this change in this year’s elections. The safe transportation of students requires reliable buses with up-to-date safety features.

This bill would give school districts another financial tool to improve their transportation fleet. According to the Senate Fiscal Agency, the bill would have no fiscal impact on the state. I am asking for my colleagues’ support of this bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:

Office of Senator Joseph N. Bellino Jr.

March 7, 2023

I write today to respectfully request that my name be removed as a co-sponsor on Senate Bills 35 and 63. If you have any questions about this request, please don’t hesitate to contact me or my staff. Thank you.

Sincerely,
Joseph Bellino
State Senator – District 16

The communication was referred to the Secretary for record.

Announcements of Printing and Enrollment

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 2:

House Bill Nos. 4006 4032

The Secretary announced that the following bills were printed and filed on Thursday, March 2, and are available on the Michigan Legislature website:

Senate Bill Nos. 126 127 128 129 130 131 132 133 134 135 136 137 138 139
House Bill Nos. 4155 4156 4157 4158 4159 4160 4161 4162 4163 4164 4165 4166 4167 4168 4169 4170 4171 4172 4173

Committee Reports

The Committee on Civil Rights, Judiciary, and Public Safety reported

Senate Bill No. 18, entitled

A bill to amend 2003 PA 225, entitled “An act to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan; to designate July 14 of each year as President Gerald R. Ford day in the state of Michigan; and to designate July 30 of each year as Henry Ford day in the state of Michigan,” (MCL 435.301 to 435.303) by amending the title and by adding section 4.

With the recommendation that the bill pass.

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

Stephanie Chang
Chairperson

To Report Out:

Yeas: Senators Chang, Shink, Wojno, Santana, Runestad and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Civil Rights, Judiciary, and Public Safety reported

Senate Bill No. 32, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts.” by amending section 8 (MCL 408.478).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Stephanie Chang
Chairperson

To Report Out:

Yeas: Senators Chang, Shink, Wojno, Santana and Johnson

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 Civil Rights, Judiciary, and Public Safety submitted the following:

Meeting held on Thursday, March 2, 2023, at 12:00 noon, Room 1100, Binsfeld Office Building

Present: Senators Chang (C), Shink, Wojno, Irwin, Santana, Runestad and Johnson

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on DHHS submitted the following:

Meeting held on Thursday, March 2, 2023, at 4:00 p.m., Room 403, 4th Floor, Capitol Building

Present: Senators Santana (C), McDonald Rivet, Irwin, Cavanagh, Cherry, Bayer, Outman, Theis, Huizenga and Hauck

Excused: Senator Camilleri

COMMITTEE ATTENDANCE REPORT

The Appropriations Subcommittee on Transportation submitted the following:

Meeting held on Thursday, March 2, 2023, at 3:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Klinefelt (C), McCann, Camilleri and Damoose

Excused: Senators Hertel and Bumstead

Scheduled Meetings

Appropriations – Wednesday, March 8, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-5307

Subcommittees –

Agriculture and Natural Resources – Wednesday, March 8, 12:00 noon, Room 1300, Binsfeld Office Building (517) 373-2768

Corrections and Judiciary – Thursday, March 9, 2:00 p.m., or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

General Government – Wednesday, March 8, 3:00 p.m., Room 1300, Binsfeld Office Building (517) 373-2768

LEO/MEDC – Wednesday, March 8, 3:00 p.m., or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

MDE – Thursday, March 9, 9:00 a.m., Room 403, 4th Floor, Capitol Building (517) 373-2768

Transportation – Thursday, March 9, 3:00 p.m., or immediately following session, Room 1200, Binsfeld Office Building (517) 373-2768

Universities and Community Colleges – Wednesday, March 8, 9:00 a.m., Room 1100, Binsfeld Office Building (517) 373-2768

Civil Rights, Judiciary and Public Safety – Thursday, March 9, 11:00 a.m., or immediately following session, Room 1100, Binsfeld Office Building (517) 373-5312

Energy and Environment – Thursday, March 9, 1:30 p.m., Room 403, 4th Floor, Capitol Building (517) 373-5323

Finance, Insurance and Consumer Protection – Wednesday, March 8, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5314

Health Policy – Wednesday, March 8, 12:30 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Regulatory Affairs – Thursday, March 9, 8:30 a.m., Room 1100, Binsfeld Office Building (517) 373-1721

Veterans and Emergency Services – Wednesday, March 8, 8:30 a.m., Room 1300, Binsfeld Office Building (517) 373-5312

Senator Singh moved that the Senate adjourn.
The motion prevailed, the time being 11:14 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Wednesday, March 8, 2023, at 10:00 a.m.

DANIEL OBERLIN
Secretary of the Senate

